

ERRATA SHEET

for

Defense Document No. 2927

- page 14, Sec. 33, line 29
after "Attache" add "ask that the German authorities"
- page 25, Sec. 56, line 29
change "was made" to "had been made"
- page 25, Sec. 57, line 5
after "Navy" add "High Command"
- page 26, Sec. 59, line 8
delete "War and"
change "Ministers'" to "Minister's"
- page 29, Sec. 66, line 4
delete "the morning of"
- page 35, Sec. 78, lines 6 and 7
change "decisions" to "discussions"
- page 36, Sec. 80, line 5
change "some such period as" to "a period of at least"
- page 38, Sec. 83, line 11
change "had been made" to "was to have been made"
- page 38, Sec. 85, line 5
change "excluded" to "precluded"
- page 40, Sec. 87, line 4
change "28" to "27"
- page 43, Sec. 98, line 6
change "Foreign Minister" to "Lord Keeper of the Privy Seal"
- page 44, second paragraph, line 1
add section number, "99"
- page 46, Sec. 107, line 9
after "speech" add "chiefly"
- page 52, Sec. 122, line 2
after "responsibility for" add "management of"

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
THE UNITED STATES OF AMERICA, et al.

-vs-

ARAKI Sadao, et al.

A F F I D A V I T

TÔGÔ SHIGENORI

I

General

Having first duly sworn an oath as on the attached sheet, in accordance with the procedure prevailing in my country, I hereby depose as follows:

1. I entered the service of the Japanese Foreign Ministry in November 1912, immediately after passing the diplomatic and consular service examination, and for the following thirty-three years until my retirement upon resignation of the post of Foreign Minister on 17 August 1945 I devoted my life continuously (except for the period 1 September 1942 to 9 April 1945, when I was retired) to the diplomatic service. During that period I occupied successively the usual positions at home and abroad which are the history of a diplomat's life, and received promotions, decorations and other forms of recognition in the usual course of a government servant's career. I have never held military office nor had connection of any nature with any military or militaristic group or clique; neither have I been a member of any political party or society nor ever held political office, except that after my retirement from office on 1 September 1942 I was appointed a member of the House of Peers, a sort of retirement honor frequently bestowed on retiring cabinet ministers and other high officials. (I did at one time receive membership in the Imperial Rule Assistance Political Society, which I suppose might be considered a "political party"; but I was never active in it, and took so little interest in it that I am not even sure when I received my membership, whether it continued until the Society's dissolution, and whether an advisorship or the like position was conferred on me.) My profession has been diplomacy; my aim as a diplomat has been the advancement of my country's interests, but always governed by the conviction that my own country would be best served by attempting to understand other's viewpoints, by promoting international friendship and striving for amicable settlements and maintenance of peace, thus to contribute to the welfare of mankind as a whole.

2. The facts of my career are substantially as contained in the record of the Personnel Section of the Cabinet Secretariat, introduced into evidence as Exhibit No. 127, subject to the amplifications contained in Defense Documents Nos. 1280, 1281 and 2866, which points I shall mention in detail hereafter at the appropriate times. My diplomatic career up to the time I became Foreign Minister was related almost wholly to European and American affairs, and primarily to European. My introduction to the diplomatic service was a period of something short of three years in the Consulate-General at Mukden; but I never served thereafter in any country in Asia. During World War I I was appointed to a post in Switzerland, and after the armistice served on the Japanese

delegation to the Peace Conference. I was dispatched to Germany, and remained there after the conclusion of the peace treaty as a secretary to the Japanese Embassy in Berlin. I then served in Tokyo as Chief of the 1st Section of the European-American Bureau of the Foreign Ministry, which section is concerned with affairs of Russia and neighboring states (Exhibit No. 127). In December 1925 I was ordered to the Japanese Embassy in Washington as senior secretary, staying there until May 1929, and then from June of that year until the end of 1932 I was Councillor of Embassy in Germany. During that time I was twice ordered to Geneva (Defense Document No. 1280). The first of these occasions was in September 1930, when I was designated as a member of the suite of the Japanese delegation to the 11th Assembly of the League of Nations. I was absent from my post at Berlin that time only 22 days, and was at Geneva about ten days. Again, in December 1931 I was detailed as the Secretary-General of the Japanese delegation to the Conference on General Disarmament, and served in that capacity in Geneva from February to August and in November 1932.

3. At this point I should like to take the occasion to correct a few misconceptions arising from the prosecution's evidence or assertions. From the fact that I was once in Geneva at the same time as Mr. Matsuoka, the prosecution have produced this argument: "At the time of the Manchurian Incident he was with Matsuoka on the delegation of the League of Nations, whose business it was to defend the aggression and to give the assurances which were so often broken" (31 January 1947, Record, p. 16,939). At "the time of the Manchurian Incident", September 1931, I was not in Geneva, but at my post in Berlin. Presumably the prosecution's assertion relates to 1932, a year after the Manchuria Incident. At that time I was in Geneva as chief secretary of the Japanese delegation to the Disarmament Conference. I point out that there was no connection whatsoever between the business of the two delegations, that to the Extraordinary Assembly of the League of Nations, Matsuoka, Chief Delegate, and that to the Disarmament Conference, of which latter I was the Secretary-General. Although some evidence has already been given on this point (Defense Document No. 2740), I should like to emphasize that I originated the proposal that neither should the business of the two delegations be intermingled nor should the personnel of the two be common, and that this proposal was adopted in principle by our Chief Delegate, Mr. Matsudaira, and the other delegates, and was as far as possible carried out in practice; although inevitably there was some overlapping of personnel, I, at least, had nothing whatsoever to do with the business of the delegation to the Assembly concerned with the Manchurian question. So far as concerns my being "with Matsuoka", he did not in point of fact leave Tokyo for Geneva until October (Defense Document No. 2780). By that time the Disarmament Conference was in summer recess, and I had been ordered home to report and confer, and had left Berlin on 22 August for Japan. Upon my arrival at my post in Berlin on 19 November, I found the order, dated the preceding day, for me to return to Tokyo for a new assignment as Director of the European-American Bureau. I therefore went to Geneva to report on my visit to Japan, remained there for about ten days, and returned to Berlin, which I quitted on 22 December for Japan. During that brief stay at Geneva I had no official connection with Mr. Matsuoka, and no occasion to "defend" the Manchurian Incident--although we stayed at the same hotel and I did, of course, meet him. By the time that he led the Japanese delegation's withdrawal

from the Extraordinary Meeting of the League Assembly, in February 1933, I was no longer in Geneva, but was then in Japan (Defense Document No. 1280).

4. The prosecution have asserted (13 November 1946, Record, p. 10,297) that in 1941 I became a member of the Supreme War Council. That the Supreme War Council was composed of military men can be discovered from Defense Document No. 2781. That membership in this body was restricted to general officers of the Army and flag officers of the Navy was in fact stated to the Tribunal by a prosecutor (14 June 1946, Record, p. 672). This allegation of my membership seems to be founded upon a document (Exhibit No. 102), the original Japanese of which refers not to the Supreme War Council (Gunji Sangiin) but to the Supreme Council for Direction of the War (Saiko Sensō Shidō Kaigi); however, the prosecutor also explained, correctly, to the Tribunal (14 June 1946, Record, p. 681), that this organ was established under the Koiso Cabinet, in 1944. I was therefore not a member of this body in 1941.

5. It has been pointed out to the Tribunal several times that in the course of my public service I received various awards and decorations, some of which are suggested to have sinister implications. Since I believe that evidence already introduced (Defense Documents Nos. 2744 and 2755) will have given the Tribunal an understanding of this subject, a few words from me should suffice to dispose of the matter. It is intimated that the award bestowed upon me "for services during 1931-4" was related to the Manchuria Incident (IPS Document No. 0001). It is obvious from the record of my career that I had no connection whatever with the Manchuria Incident, nor is there any evidence to connect me therewith; I was in Berlin when the incident occurred, and during all of 1931-34 to the time of this award I was stationed either in Berlin or in Tokyo as Director of the Foreign Ministry's European-American Bureau, which had no direct connection with Manchurian affairs. As awards for service in connection with any contemporaneous affairs could in those days have been given in the guise of award for services in the Manchuria Incident, the award bestowed upon me for services in 1931-4 could therefore have been in connection with other matters; but if I had been decorated for services in connection with the Manchurian affair I would have been, as has already been testified (Exhibit No. 3147, Record, p. 28,026), one of 452,826 recipients of such awards. The award granted me for services in connection with the conclusion of the Anti-Comintern Pact came to me as director of the bureau in charge of the negotiations concerning the Pact. It is customary on these occasions, under the Japanese system, to bestow the awards upon the officials concerned in management of the matter, quite without regard to their personal views or the large or small part which they actually played in the matter. That I was given an award upon the occasion of the conclusion of the Anti-Comintern Pact despite my having, as I shall testify presently, been unsympathetic to it, is perhaps sufficient commentary upon the significance of these awards. So far as concerns the decoration for "services in connection with the China War" (31 January 1947, Record, p. 16,944), these awards, as I have mentioned, covered all services in the period under consideration. But if I had been decorated for services in connection with the China Affair, it has already been shown (Exhibit No. 3147) that 3,319,547 others received awards on the

same basis. My award, it is said, was "the highest Japanese award". It is quite clear that Japan has higher awards; but in any event, this one was in the circumstances the one appropriate for bestowal under the Japanese system of awards.

6. I should like also, before coming to the substantive matters of my testimony, to dispose of the question of the Kokusaku Kenkyūkai (National Policy Research Society), my membership in which has been shown (Exhibit No. 683) to prove that I entertained aggressive designs upon the world at large. I believe that the nature of the Society has been made sufficiently clear from evidence already introduced (Exhibit No. 678 and Defense Document No. 2747). I need add only that I never paid membership fees or dues, never attended meetings (unless it be a ceremonial New Year's Day affair, or the like), never served the Society as officer or committeeman (though I was requested to take office in it), and never had the slightest knowledge of what it was doing or proposed. I was solicited by a personal friend to become a member, and did, in just the same way that any man in public life is likely to take out membership in any number of organizations without inquiring into the details of their activities. As to the donation which has been testified to have been made to the Society by the Foreign Ministry, I had nothing to do with it; if it occurred, it was a matter transacted by the Vice-Minister in conformity with precedent and routine, and I was not consulted concerning it.

II

Russian Affairs

7. Throughout my diplomatic career Russo-Japanese relations have been the most important problem for Japan after that of China, and not a small part of my career has been devoted to it. As section chief in the European-American Bureau from 1923 to 1925 I was concerned directly with Russian affairs; and during my time in the post of Director of the European-American (later European-Asiatic) Bureau, 1933-1937, Russian affairs were of paramount importance among the affairs under my jurisdiction.

8. During my tenure as Chief of the First Section of the European-American Bureau I was the official directly concerned with solution of Japanese-Russian problems, and it was during this time that we finally reached a settlement of the many points of contention which had arisen as a result of the Soviet Revolution and the Siberian Expedition carried out jointly with the United States, Britain and France, and which had been since pending between Japan and the U S S R. My efforts were devoted to the settlement of such problems as Soviet ratification of the Treaty of Portsmouth, Soviet recognition of the Czarist debts to Japan and the question of prohibition of Communist propaganda in Japan. The settlement of these questions which was finally arrived at was embodied in the Soviet-Japanese Basic Convention, granting Japanese recognition of the Soviet Government and reestablishing relations on a normal basis, signed at Peking in January 1925.

9. Although my designation as chief of the European-American Bureau was dated 1 February 1933, I actually took over the office only in early March, having meanwhile visited my

home on leave and spent a considerable time at my personal affairs. I am charged here with having assisted in engineering the withdrawal of Japan from the League of Nations; actually, I had no connection with this high-level policy decision, the general trend of which had been decided before I entered upon the discharge of the duties of my office as bureau director in March (Defense Document No. 2941)--my bureau not being the one in charge of the matter. (I had expressed my personal opinion, in the days when the question of withdrawal was being mooted at Geneva, that such a course would be unfortunate for Japan (Defense Document No. 2740.) Although the formal notification of Japanese withdrawal from the League was given on 27 March 1933, the policy had for all practical purposes been determined when Mr. Matsuoka led the Japanese delegation from the meeting of the Assembly in late February. After the withdrawal from the League of Nations, I submitted to Count Uchida, the Foreign Minister, at his request, a written opinion entitled "On the Foreign Policy of Japan vis-à-vis Europe and America Following Withdrawal from the League of Nations" (Defense Document No. 146). As showing my concern with Russian questions, it may be noted that although this report treats of Japanese relations with the United States and all the chief European countries, over a third of it is devoted to the Soviet question. I might say that so far as it lay within my competence and my abilities, I worked throughout my later career for the fulfillment of the entire diplomatic policy set out in this plan of 1933. With such other important branches of Japanese diplomacy as affairs of China and of the United States and Britain I had in later years almost no direct connection--until by their complications they had so deteriorated as to bring us to the verge of the Pacific war--and was not in a position to work to any good effect for the carrying out of my proposed policies in those fields. But so far as Soviet affairs are concerned, I had the opportunity to deal with them for a considerable period, and the main points of my program as set forth in the above-mentioned opinion were subsequently brought to fruition. These points, which were the results of my interest in and study of the question, were three: conclusion of a non-aggression pact; settlement of the Chinese Eastern Railway question by purchase of the Soviet interest; demarkation of the Soviet-Manchoukuo boundaries.

10. My first work as Director of the European-American Bureau was the negotiations proposed by the U S S R which eventually led to the purchase by Manchoukuo of the half interest of the U S S R in the Chinese Eastern Railway, and the removal of that long-standing source of friction in Soviet-Manchoukuo and Soviet-Japanese relations. These negotiations were peculiarly taxing and complex, and occupied much of my time for almost two years. I shall not here repeat the details--how the parties were at the outset extremely far apart in their ideas of the monetary value of the Soviet interest; how the negotiations were repeatedly interfered with and rendered more difficult by the occurrence of conflicts in Manchoukuo; how the Japanese military authorities had repeatedly to be persuaded that amicable settlement of the issue was to Japan's interest. These have been told by other witnesses (Exhibit No. 3234 and Defense Document No. 2753). The result was that, while to eliminate a source of friction in Manchuria and to make the situation tranquil the Japanese Government worked as mediator to smooth the course of the negotiations between Manchoukuo and the U S S R, my bureau and I

were in fact fully occupied in persuading the parties to compromise their original claims. The prosecution have referred to the Chinese Eastern Railway sale as having been intended to strengthen Japan's position in Manchoukuo and to eliminate concessions of foreign countries, except Japan, there. This argument overlooks the fact that the sale was first proposed by the U S S R, and that the three Governments concerned were from the first at one on the belief that the transaction would promote peace in the Far East (Exhibit No. 3251). It was by the request of the U S S R that the guarantee by Japan of the obligation to pay the purchase price also was made, the Soviet Government lacking confidence in the solvency of Manchoukuo. As I have already mentioned, the consummation of this transaction was an ambition of mine of long standing, as proposed in the report to Foreign Minister Uchida.

11. During the progress of the negotiations referred to in the preceding paragraph the Foreign Ministry was reorganized; the European-American Bureau was divided into two, and its functions transferred partly to the new American Bureau and partly to the new European-Asiatic Bureau, which was charged also with responsibility for matters affecting European countries and continental Asia except China, Thailand, etc. My chief interest and specialty being, as I have mentioned before, in the Russian field, I was appointed to the bureau which succeeded to responsibility for Russian relations, the European-Asiatic Bureau (I shall hereafter refer to the Bureau during my tenure generally by its later name).

12. Immediately after the successful conclusion of the Chinese Eastern Railway transaction, I had to turn my undivided attention to the Soviet-Manchoukuoan border question. Before my entry into the office of Director of the European-American Bureau agreement had been reached between the Governments of Japan and the U S S R to study the question proposed by Japan of establishing a mixed (Soviet-Japanese-Manchoukuoan) commission for the prevention of border disputes. With the Chinese Eastern negotiations supervening, however, it was not until May 1935, when they were at last concluded, that the negotiations on this question were entered into. After the foundation of Manchoukuo, border incidents had been numerous; but during the time that the Chinese Eastern Railway question was under discussion feeling was good, and the number of incidents had decreased. It seemed to me an opportune time, therefore, to try to put an end to the constant expenditure of effort which, to the annoyance of both parties, was required to settle the incidents, by entrusting the task of preventing and settling border disputes as far as possible to such a commission. I therefore endeavored to commence negotiations for establishment of this commission in the summer of 1935. The Government of Manchoukuo and the Kwantung Army, however, insisted that first the establishment of a border-demarcation commission be agreed before the establishment of the commission for settlement of disputes, to which the Soviet Government eventually agreed, as a result, however, of differences of opinions the negotiations were finally dropped. Thus even in 1938, when I arrived in Moscow as ambassador, I found neither commission yet established, and the demarcation of the Mongolian-Manchoukuoan border in the Nomonhan District, which in 1939 I succeeded in bringing about by negotiations with People's Commissar Molotov (Exhibit No. 767), was the only result achieved in the history of many years' negotiations between Japan and the U S S R directed toward this end.

13. In the summer of 1937 Russo-Japanese relations were again troubled by the landing on and occupation by Soviet troops of the Kwan-tsa-tse Island in the Amur River. The Kwantung Army was eager to dispatch troops to the spot to settle the incident by defence of what it considered were the frontiers of Manchoukuo; but I insisted strongly on negotiation first, and in the end the incident was settled by negotiation without developing into a serious clash. This was, however, the last matter of business concerning the U S S R which I managed as bureau director. In March 1936, Premier Hirota (who was concurrently Foreign Minister) had intimated to me his intention of appointing me Ambassador to the U S S R. Having been engaged for many years in Soviet affairs, and they being of the greatest interest to me, I was of course quite happy at the prospect of appointment to the post of Ambassador to Moscow. However, after Mr. Arita was appointed Foreign Minister, relieving the Premier of the portfolio, the Moscow post went to another, and I was finally in October 1937 appointed Ambassador to Germany. Mr. Hirota told me afterward that, though he had considered it appropriate to send me to the U S S R, personnel problems of the Foreign Ministry had compelled him to make a different appointment.

14. On 15 October 1938, being then Ambassador to Germany, I was appointed Ambassador to the U S S R, and arrived at my post in Moscow on 29 October. Upon my arrival I found awaiting my attention a serious problem, in the form of the perennial fisheries question. Since 1936, when the negotiation of a new fisheries convention had bogged down owing to the conclusion of the Anti-Comintern Pact, it had been necessary to conclude annually an arrangement on the fisheries question, and trouble and difficulties arose annually. At the time of my arrival in Moscow as ambassador, at the end of October 1938, I found the state of affairs especially serious, because a large part--about half--of the Japanese leases for fisheries lots, including those operated under long-term contracts, were about to expire together, and the Soviet Government evidenced no intention to conclude the annual agreement, as the Japanese Government desired. It required much patience and long-drawn-out negotiations to settle the matter--for the first time in the course of the fisheries questions the new year commenced with no agreement of any sort in effect--and the matter became so serious that for a time it even threatened to bring about a rupture of diplomatic relations between the two countries. Finally, however, our labors resulted in a settlement in April of the following year, 1939; but as a result of the work done then the negotiation of the annual modus vivendi in subsequent years was easier for me and my successors. In 1939, for example, after the Nomonhan settlement, we commenced the negotiation for an agreement for 1940 in the middle of November, and had reached agreement and were able to initial the document, after a last all-night session, by 8 o'clock on New Year's morning, 1940--a day which Commissar Molotov and I, with our staffs, greeted in the Kremlin in the most friendly atmosphere with toasts drunk in champagne.

15. The Nomonhan Incident, which broke out in May 1939, is charged to me as a crime against the U S S R conspired for by me. It is probably superfluous to say that, being in Moscow when the incident occurred, I first knew about it only by the Soviet protests and by cablegrams from the Foreign Ministry, and that I had never discussed it or any other conspiracy against the Soviet Union with any person whomsoever. The details of the negotiations for settlement of the Nomonhan Incident

have been testified to by the witness Ōta (Exhibit No. 2659), and I therefore refrain from repeating them here. I might add that when the settlement was arrived at between Foreign Commissar Molotov and me (Exhibit No. 767) there was none who suggested that I had conspired to wage a war of aggression against them or that my position or conduct throughout the affair were other than those of any diplomat negotiating to settle a problem which had arisen between two governments--in fact, Foreign Commissar Molotov said at the time we agreed upon the settlement that it was an augury of better relations between our countries. As a result of the Nomonhan settlement, part of another item of my 1933 plan for Russo-Japanese relations--the demarcation of Soviet-Mongolian boundaries with Manchoukuo--came about. This point having already been fully testified to by the witness Ōta, I shall not refer further to it here.

16. At this stage of relations between the two countries I felt it opportune to undertake the negotiation of the non-aggression pact which I had long desired. My motive was nothing more recondite than to secure for both countries the obvious benefit in the way of improved Soviet-Japanese relations to be derived from the conclusion of such a pact. I had certainly no idea of encouraging Japan to undertake southward expansion--a policy which I was always opposed to as sure to cause conflicts with Britain and the Netherlands, and probably, in the end, with the United States as well; and therefore I had no such intention as that which the prosecution has imputed to me of "making a friend of the enemy in the north" in order to facilitate a southward advance. My motives in undertaking to conclude a non-aggression pact were just as I had expressed them in my written opinion on the subject submitted to the Foreign Minister in 1933. (With the Soviet proposal for a non-aggression pact made in December 1931, and declined as premature in January 1933 Exhibits Nos. 744-747 I had nothing to do, arriving in Japan from Germany only on 28 January 1933 and taking office as Bureau Director in March.) The commencement of such negotiations, however, even in 1939 was not easy, and required repeated telegrams and the dispatching to Tokyo of a member of my staff, as has been testified to. After at length obtaining authority from the Japanese Government, I commenced such negotiations. These resulted in general agreement between Commissar Molotov and me for conclusion of a neutrality pact, which had been put into draft form, and only the Russian desire concurrently to liquidate some of the concessions in North Sakhalin prevented conclusion of the agreement. Then suddenly, in October 1940, I was compelled to return to Japan, leaving the negotiations uncompleted. At the time I received the instructions for my return to Japan I received also specific directions to cease negotiations on the neutrality pact. Nevertheless, when a neutrality pact was concluded between Japan and the U.S.S.R. in April 1941--by which time I was thus able to see the realization of the three basic points which I had set out, in 1933, as essential for the rationalization of Soviet-Japanese relations--it was of contents almost identical with those of the preliminary agreement reached between Commissar Molotov and me (Exhibit No. 45 and Defense Document No. 2918).

17. The prosecution seems to place great reliance on what they contend to be the fact that when Foreign Minister Matsuoka carried out his "purge" of the diplomatic service, recalling and dismissing all ambassadors and ministers considered insufficiently ardent toward his Axis-alignment policy, I was left undisturbed in my position in Moscow (24 September 1946, Record

p. 6,270, 31 January 1947, record, p. 16,943). That such is not the fact, but is an error growing from an incomplete personnel record, has been asserted by my counsel before the Tribunal (25 September 1946, record, p. 6,364, when the prosecutor undertook to investigate and report), and is proved by Defense Document No. 1280, from which it appears that I was recalled on 29 August 1940, and actually arrived in Tokyo on 5 November. This is perhaps the most convenient place to give the sequel. Upon my return to Tokyo Foreign Minister Matsuoka intimated that my resignation would be acceptable, several times mentioning the matter personally or by sending the Vice-Minister or the Chief of the Personnel Section with the same suggestion. I was quite obstinate in my refusal to resign, and told the Foreign Minister that his demand that diplomats resign simply because they were opposed to his policy or estranged from him was entirely unjustified; I warned him also of the consequences of dismissal of many experienced diplomats at one time. On each occasion that my resignation was requested, I gave the same answer: "If you want to dismiss me, go ahead; but I will not tender my resignation voluntarily, for that would mean my approval of your policy". No further steps were taken by Mr. Matsuoka; my successor, General Tatekawa, replaced me in Moscow (Defense Document No. 1281), and I held the nominal position of Ambassador, while in actuality I lived in retirement and had nothing to do with the activities of the Foreign Ministry for the year following my return to Japan, until I became Foreign Minister in October 1941. During that year I received no information regarding the development of Japanese diplomacy, and had no concrete knowledge concerning it.

III

German Relations

18. I have never been a specialist in German affairs, though I have served in the Japanese Embassy in Germany three times--as Second Secretary, Councillor and Ambassador. My first impressions of Germany, when I was dispatched there in April 1919 under orders to examine the post-war condition of the country and to report on the German attitude toward the peace treaty, were such as to impress upon me the horrors and miseries of war. My basic policy toward Germany in later years was, as it had been set forth in my report to Count Uchida, not one of positive cooperation. After the Nazis came to power, I was not only antipathetic to their dictatorial and totalitarian politics but was skeptical of the widespread admiration of the strength of Nazi Germany, having spent considerable time in Germany and known the situation there.

19. My first connection with German affairs material here was, however, when the Anti-Comintern Pact was negotiated during my service as Director of the European-Asiatic Bureau of the Foreign Ministry. The prosecution alleges that I had a "close connection" with the Anti-Comintern Pact. Of course I had a close connection with it, as director of the Foreign Ministry bureau which had charge of the negotiations concerning the subject from the time that it came to the Foreign Ministry. The nature and extent of my connection, as bureau director, with this pact requires some explanation if the true facts are to be understood.

20. The history of the Anti-Comintern Pact, so far as it concerned me or the Foreign Ministry, commences at about the beginning of February 1936, with a report from the Chargé d'Affaires in Berlin, Councillor Inoue that since the previous year conversations had been in progress in Berlin between the German side and the military attaché to our Embassy with a view to a defensive alliance between Germany and Japan (Exhibits Nos. 477 and 478). Upon receipt of this information I requested the War Ministry and the General Staff officers concerned for information about it; shortly afterward Lieutenant-Colonel Wakamatsu informed us of his general impressions of conditions in Germany, from where he had just returned but not about the details of the conversations.

21. While the Foreign Ministry was studying the matter, Mr. Arita returned from China and became Foreign Minister. At that time the Japanese Ambassador to Germany, Viscount Mushakōji, was in Tokyo on leave, and the Foreign Minister had a conversation with him in which he gave him oral instructions to the effect that since it seemed to be necessary to make a political agreement of some kind with Germany, he should make a study of the matter upon his return to Berlin. Formal instructions to the same effect were sent to him around the time of his arrival there. Ambassador Mushakōji after returning to his post reported a German proposal for an agreement which was basically the Anti-Comintern Pact, but contained many objectionable features. I had opposed from the outset the idea of a pact based on Nazi ideological grounds, and so stated to Foreign Minister Arita. Being merely a bureau director, I naturally had no voice in the decision of the policy--although a bureau director can submit his opinion to his superiors, in the end he only carries into effect the policies decided and dictated by the Government and the Foreign Minister. I did on this occasion, however, endeavor to persuade my superiors as well as the military authorities concerned of the desirability of making the proposed Japanese-German agreement as weak as possible. In other words, I argued that it should be limited strictly to the bare minimum of what had been determined as the national policy to be Japan's needs; and particularly that the matter should be so managed, and the treaty so framed, that it should not injuriously affect our relations with Britain and the United States, as well as with the U S S R, unnecessarily. In this endeavor I was successful in several points. The policy on this question presented here as Exhibit No. 3267 was drawn by the European-Asiatic Bureau, and my intention is to a certain extent represented in it and the aforementioned points are to be seen in it.

22. One of my chief reasons for insistence on revision of the draft pact which had come to us from the German Government was to the propagandistic tone which permeated it. The preamble particularly, which originally read like a Nazi manifesto, was greatly changed while the document was in the hands of the European-Asiatic Bureau, which changes were eventually agreed to by the Japanese military authorities and by the German side, with the result of the form as it finally stands (Exhibit No. 36). The text of the pact, moreover, was rewritten to limit the cooperation between the two nations to the exchange of information concerning the destructive activities of the Third International and counter-measures to be taken against them. The term of the pact was reduced from ten to five years. I also removed such provisions as that for meetings of the Foreign Ministers and other high officials of the contracting nations. I thus succeeded in making the Pact more businesslike.

23. Above all, I strongly asserted that the secret agreement attached to the Pact (Exhibit No. 480) should be of strictly defensive nature, and I insisted on changes to that effect. The first article of the secret agreement originally provided that it would become effective "should one of the High Contracting States become the object of an attack or a threat of attack" by the U S S R; this was amended, at my insistence to limit its operation to the case of unjustified attack, to read "should one of the High Contracting States become the object of an unprovoked attack or an unprovoked threat of attack". In connection with Article 2, also, I succeeded in securing German agreement to a list of exceptions from the requirement of mutual approval of the contracting of political agreements with the U S S R, with the intention of leaving Japan freer of German meddling in our relations vis-à-vis the Soviet Union than would have been the case under the provision of the Pact taking its language at face value (Exhibit No. 480).

24. It was my feeling also that since Japan had, despite what seemed to me the dangers of such a liaison, determined upon the national policy of entering into the Anti-Comintern Pact with Germany, it was essential to keep the foreign policy of our nation on a rational and balanced basis that efforts be made to maintain a close relationship with the democratic powers--especially England. This stand of mine can readily be comprehended from my 1933 report--especially in that the report put emphasis on the British policy--but the latter part of Exhibit No. 3267 will further clarify it as of July 1936, at which time I presented to a conference held between Foreign Ministry and Army officials a policy for managing the matter. The revisions in the Pact were agreed to by the Army officials. But at the same time I presented to the Army officials my views of the necessity of concurrently undertaking negotiations for an entente cordiale with Great Britain. War Minister Terauchi became angry at this suggestion, and it was only after making great efforts to persuade him that I obtained his agreement to undertaking negotiations toward the rapprochement with England. The general outline of what I had in mind, modelled on the familiar treaties of consultation, is shown by the memorandum prepared at the time (Exhibit 3267). While time was consumed in working on China affairs related to the negotiations with Britain, the Hirota Cabinet fell. Even after the fall of the Hirota Cabinet I continued my efforts to obtain agreement within the Foreign Ministry and to persuade the military authorities to start the negotiations with the British Government with a view to establishing closer relations. After formation of the Konoe Cabinet I requested of Foreign Minister Hirota that my appointment to an ambassadorship be postponed still further to enable me to work on the problem. Eventually an agreement was reached among the ministries concerned, and an instruction was sent to the Ambassador at London to commence negotiations; but at this point, when negotiations were about to be initiated, the China Affair broke out, in July 1937, bringing about the indefinite postponement of the Anglo-Japanese pact question. My appointment in October following as Ambassador to Germany forced me to give up my design of bringing about closer Anglo-Japanese relations.

25. The prosecution seems inclined to make much of my attendance at meetings of the Privy Council and its committee at which the Anti-Comintern Pact was considered. The responsibility for the management of this matter relative to the Privy Council was joint, shared by the Treaty Bureau and the European-Asiatic Bureau, and in this case the director of the Treaty Bureau undertook the explanations; I made none. In any event, a bureau director in attendance on such occasions has in no way any part in the debates nor in the vote and decision.

In fact, the record shows that explanation of the Anti-Comintern Pact to this Privy Council Committee was made by the Premier and the Foreign Minister; I made no explanation, said nothing, nor did I speak at any meeting of the committee or of the full Privy Council which treated of the matter.

26. The Anti-Comintern Pact was signed by Germany and Japan in Berlin in November 1936. Italy was not an original signatory of the Anti-Comintern Pact, coming in only in November 1937--and was never a party to the secret protocol. Although the prosecution have denominated me one of those "most instrumental in the realization of . . . Japanese-Italian collaboration", the negotiations which brought Italy into the Pact were carried out entirely in Europe and I took no part in the conduct of them. I was no longer handling the affairs of the European-Asiatic Bureau (and was in fact absent from Tokyo) when Italy's adhesion to the Anti-Comintern Pact was decided upon and took place; for in September 1937 my appointment to the German ambassadorship had already been informally decided upon, and the business of my bureau undertaken by my successor, Councillor Inoue. On 10 October I had left Tokyo for a trip of investigation in Manchoukuo (Defense Document No. 2866), and I had nothing to do with Italy's adhesion to the Pact.

27. The circumstances of my designation as Ambassador to Germany have already been mentioned. My appointment was dated 27 October; I left Tokyo on 24 November and arrived at Berlin one month later, on Christmas Eve of 1937. At that time, Japan had been attempting to solve the China Affair through the good offices of Germany, but the position of the German Government was extremely equivocal. Professing concern with strengthening friendly relations between the two countries, at the same time she had for many years had her military advisers in China, a great deal of arms and ammunition were sold to China, and it was even said that many German officers were training the Chinese army and directing the construction of military works, and were accordingly actually engaged in war against Japan, helping the Chinese. For that reason the stoppage of German aid to China was regarded by the Japanese Government as most important and my instructions from Foreign Minister Hirota on the occasion of my departure for Germany were to endeavor to effectuate the recall of the military mission and the stopping of the shipment of arms. My approach to the German officials on this subject was, as it is hardly necessary to emphasize, made in my character as Ambassador; I did not make policy, but merely carried it out in accordance with my instructions, by which the ambassador's field of action is inescapably bounded. My own opinion of the China Affair will be mentioned in the appropriate place.

28. The prosecution have attempted to make much of my talk with Foreign Minister von Neurath of 10 January 1938 (Exhibit No. 486-D) as proof of collaboration. I had called on him, as his memorandum shows, merely to tender the thanks of my Government for Germany's efforts by way of mediation between Japan and China (with the plan for mediation I had nothing to do, the negotiation having been conducted in Tokyo). He brought up the general question of the China Incident. It must be borne in mind that the policy of the Japanese Government of not dealing with Chiang Kai-shek and of fighting the incident to a military conclusion was just then under consideration by the Cabinet and had been substantially decided upon.

This policy, with the formulation of which I had no connection, was published to the world on 16 January, a few days after my conversation with von Neurath, as the "Konoe Declaration" (Exhibit No. 972-A). I had, however, had advance information from Tokyo of the imminent decision, and therefore naturally took it into account in stating to von Neurath the policy of the Japanese Government.

29. The problem of German-Japanese economic coöperation in Germany was the chief matter which occupied me during my brief service in Germany. I do not know whether it is necessary for me to say much concerning my part in these negotiations for the evidence which has been produced to the Tribunal seems to tell about as well as it can be told the story of the absence of coöperation not only between the German officials and me, but between the two Governments as well. In early 1938 I was instructed by the Foreign Ministry to commence negotiations with the German Government for conclusion of a trade agreement to try to rectify the unfavorable balance which Japan's trade with Germany showed under the arrangements then in effect. Negotiations started between Commercial Attaché Shudō and the Wilhelmstrasse. Then in May 1938 Foreign Minister Ribbentrop communicated to me his desire to make an agreement to the effect that Germans engaged in trade in North China should be given substantially equal treatment in conditions of trade with Japanese traders. On receipt of this proposal I flatly declined to enter into any negotiations for the reason that I was not authorized to do so. Long before--immediately upon Ribbentrop's appointment as Foreign Minister, in February--I had had occasion to tell him that all important political and economic matters involving the Governments of Germany and Japan should be transacted exclusively by negotiations between the Foreign Minister and the Japanese Ambassador or with their approval. Ribbentrop had definitely replied that he willingly agreed to this. As I found at this May meeting that Foreign Minister Ribbentrop was still, despite his promise to me, discussing economic problems of China with others than the Embassy personnel directly concerned, I made little effort to conceal my dissatisfaction with his attitude. From about this time the discord between Ribbentrop and me became impossible to conceal.

30. Ribbentrop tried again, after some delay, to open negotiations on the trade-in-China question. This time he handed me a memorandum, similar to the earlier one, but with the substitution of "preferential" for "equal" treatment to be accorded to German nationals. This being the second time that the German Foreign Minister had proposed it, I transmitted this one to the Foreign Minister. With it, however, I sent my opinion that it would naturally result in violation of existing treaty obligations (I had in mind the Nine-Power Treaty) to grant to Germany anything other than most-favored-nation treatment in China, and that I therefore opposed it.

31. I received from Tokyo in response to my report of Ribbentrop's proposal instructions (Exhibit No. 2,228A) directing me to offer to Germany "the best possible preference" in economic matters in North China, and to promise that Germany's interests would be given preference over those of any third country. Nevertheless, being doubtful of the appropriateness of such measures, I tentatively narrowed down the proposal still further before presenting it, in the form of the Pro Memoria, Exhibit No. 591. I limited its terms to

German "foreign trade", and offered, instead of "preferential" treatment, "benevolent" treatment, an altogether different thing from the preference which Ribbentrop had in mind, and substantially equivalent to the most-favored-nation treatment embodied in numerous existing international commercial agreements. As Ribbentrop himself states in his memorandum of our conversation (Exhibit No. 592), he considered my formula unsatisfactory. Negotiations continued without showing any progress, but my connection with them was cut short by my being ordered, on 15 October, to leave Berlin for Moscow as Ambassador to the U S S R. This story I shall now tell.

32. I had gradually become unpopular with Ribbentrop and the other German Nazi leaders, the reasons being my dislike of Naziism and its creed, ^{which} came to their knowledge soon enough; and doubtless my lack of sympathy for the Anti-Comintern Pact likewise had become known. I was of course always solicitous for the betterment of Japan's relations with all powers, not excluding Germany; but my greatest efforts had always been directed toward improvement of relations with the United States, Britain and the Soviet Union, and I always objected to any rapprochement with Germany at the expense of those paramount interests. From my knowledge of the strength of Germany gained during long residence there, I did not believe that Japan's future lay in alliance with Naziism and Fascism.

33. Beginning early in my tenure in Berlin, Military Attaché Oshima was negotiating with Foreign Minister Ribbentrop for the "strengthening of the Anti-Comintern Pact". These negotiations, as General Oshima has himself testified (Exhibit No. 497), were without my approval or participation--which is made clear also by the Kido Diary (Exhibit No. 2262). The negotiations were again in violation of Ribbentrop's assurance to me that he would deal only with the Ambassador in connection with important political and economic matters. The very good reason for my being ignored in this matter was my known strong opposition to any project of the sort. Europe was now in a state of increasing tension, and the danger was clearly apparent that Japan would, if tied by alliance to Germany, be involved in an imminent war. I emphasized to the Foreign Minister the danger to which a Japanese-German-Italian alliance would expose Japan. The reinforcement of the Anti-Comintern Pact meant a three-power alliance. At last Ribbentrop presented to General Oshima a draft of an agreement, which was sent on to Tokyo by Major-General Kasahara as a courier, and only thus became known to the Foreign Minister (Exhibit No. 497). Having been informed of this fact, I cabled to the Foreign Minister registering my opposition to the project as one which was most undesirable and should be forestalled promptly for the reason that a tripartite alliance would not, as its supporters argued, contribute to the solution of the China Affair, but rather would involve Japan in an imminent war in Europe; but the Foreign Minister notified me that the decision had been made by a conference of five ministers to have the Military Attaché formally make a proposal with a view to proceeding with negotiations on the German proposal. I answered with my objections to a tripartite pact, pointing out the difficulties in and disadvantages of cooperation with such a dictator as Hitler. The result of my sending this cablegram was that I received shortly afterward a request from the Foreign Minister to assent to my transfer to the post of Ambassador to the U S S R.

34. My position was then somewhat peculiar. The Moscow post had long been my ambition; and I was certainly not, in the usual sense, a success in Berlin. It was, however, obvious that my removal from Berlin would facilitate the realization of the course of action which I had feared and fought and I felt that by remaining there I might be able to exert some restraint upon the militarists, and might even be able to sabotage the military-alliance scheme. I therefore requested the Foreign Minister to leave me in Berlin for the time being. A second and more peremptory request for my assent came the following day, to which I could only submit. I was appointed Ambassador to the Soviet Union on 15 October, and left Berlin for Moscow on the 27th.

35. My transfer to Moscow naturally ended my connection with Japanese-German affairs. The further negotiations and the conclusion of the Tripartite Alliance itself, were entirely outside my sphere. I had occasion only once to have even semi-official connection with these questions. This was when in February 1939, some time after my transfer to Moscow, I met in Berlin with Ambassadors Ōshima and Shiratori and with Minister Itō, who had been sent to Berlin to convey the opinion of Tokyo concerning the question. I had received a telegram from Ambassador Ōshima saying that he was requesting Foreign Ministry permission to call a meeting in Berlin, on the occasion of the arrival of the Itō mission, of all Ambassadors stationed in Europe; but as transportation to Berlin was slow, I could not wait for advice from Tokyo, and left for Berlin to attend the meeting after advising the Foreign Ministry. Upon my arrival there I found that the Ministry had disapproved the conference, and I therefore merely had dinner with Ambassadors Ōshima and Shiratori who were there, and later called on Minister Itō, who was sick in his hotel-room. In conversation with the two Ambassadors I repeated my fixed views in opposition to this alliance, and I urged Mr. Itō to go home promptly to prevent the conclusion of such a pact, as it would bring disaster to Japan.

36. The prosecution have attempted to prove, by presentation of a memorandum of Knoll of the German Foreign Office of a conversation in June 1940 with Ambassador Kurusu, that my opinion in the matter of German-Japanese alliance had undergone a change, and that Ambassador Kurusu knew of my opinions. It is true that I did once, in May 1940, see him while I was Ambassador in Moscow and he in Berlin, but we did not discuss this matter, and I could never have expressed to him such an opinion as Knoll records, for I did not hold it. A perusal of the original record of Knoll shows, beyond any question, that Mr. Kurusu did not state to him as his opinion or mine the conclusion which the prosecution have drawn.

37. The Tripartite Alliance (Exhibit No. 43), was signed while I was still in Moscow as Ambassador (Defense Document No. 1280), and I had nothing to do with it. As the Tribunal has already heard, it was signed in such secrecy that a very few even in the Government knew of it beforehand (Exhibit No. 2744A). For convenience, I may mention here my later connection with Japanese-German matters. The Anti-Comintern Pact was renewed and extended for a further term of five years on 25 November 1941, when I was Foreign Minister (Exhibit No. 495). This was nothing more than the continuance of the policy which had been in effect since 1936, the date of the original pact, and the Government had already been committed to it by Foreign Minister Matsuoka, when he visited Berlin in the spring of 1941

(Exhibit No. 2694). Moreover, I was successful at that time in obtaining the abrogation of the secret protocol, the part of the Pact most likely to exacerbate the sensibilities of the U S S R. Further, in 1945, during my second terms as Foreign Minister, at the time of the formation of the Doenitz régime in Germany there was opinion in some quarters that the Anti-Comintern Pact, having other signatories, should not be terminated. At that time I urged--and again my view prevailed--that all political agreements with Germany be abrogated, the Anti-Comintern Pact included, particularly in view of the necessity of not giving offence to the Soviet Union, as well as the desirability, which I had always insisted on, of disassociating our foreign policy from that of Nazi ideology. This was done, on 15 May 1945.

38. The no-separate-peace treaty among Japan, Germany and Italy was concluded in 1941, when I was Foreign Minister (Exhibit No. 51). The treaty was concluded on 11 December, but of course the negotiations for it had begun before the outbreak of war with America and Britain (Exhibits Nos. 604-607). It will be seen, however, that these negotiations were undertaken only when the consummation of the Japanese-American negotiations had come to appear all but hopeless, and that they were undertaken only as a precautionary measure in case worse came to worst--all of which will be treated of more fully later. As to the Japanese-German-Italian military operational agreement signed on 18 January 1942 (Exhibit No. 491), it was planned and concluded exclusively among the military authorities of the three powers. I had no knowledge of its conclusion or contents beforehand, but was simply notified of it later by the High Command, and then only of the fact that operational zones had been established; the Tribunal doubtless understands that military operations plans, such as this, were not confided to civilians, no matter what their rank or position. Lastly, I am charged with German-Japanese collaboration as a member of the three-power committee established under the provisions of the Tripartite Pact (Exhibit No. 127). The Pact itself provides that the Foreign Ministers of the contracting powers shall be ex officio members of such committees in the respective countries, and it was as Foreign Minister of Japan, not as an individual of any particular ideology or views, that I became a member. The Committee had, in Japan at all events, only a nominal existence, and never met while I was in office.

IV.

British and American Relations and the Pacific War

39. Up to the time of becoming Foreign Minister in the Tōjō Cabinet I had had little direct contact with American and British affairs. It is true that the European-Asiatic Bureau, of which I had once been director, had to do with British affairs (and the predecessor European-American Bureau with American affairs); the Japanese-American and Japanese-English relations of those days, however, mostly related to problems of China and Manchuria, and in consequence were almost entirely the concern of the East Asiatic Bureau, which had to do with those affairs. But of course a Japanese foreign policy could never be conceived to ignore relations with the two dominant powers, and having served and travelled in those countries and acquired considerable knowledge of their conditions and the characteristics of their people, I had long-considered ideas con-

cerning Japanese relations with Britain and the United States. The specific American and British policy which I had set forth in my 1933 document (Defense Document No. 146) was, owing to the greatly changed situation, obsolete; but I still had confidence in the principles which had inspired that policy. I did not enter the Tōjō Cabinet to strive for domination of the world, which I had never dreamed of, nor for the annihilation of America and Britain nor their expulsion from East Asia. My intention in accepting the Foreign portfolio was to work for improved relations which would lead to an enduring peace with those countries, and to settle somehow the interminable China Affair; but in October 1941, at all events, the obvious immediate policy could only be to avert war.

40. Before accepting the post of Foreign Minister in the Tōjō Cabinet, I had in effect no correct knowledge of the progress of the Japanese-American negotiations--for although nominally still an ambassador in active service, in fact I had had no post since my return from the U S S R in November 1940, and was in all but name living in retirement. I knew that negotiations designed to effect an improvement in relations with the United States and Great Britain had been in progress since Ambassador Nomura's arrival in America, and from Foreign Ministry friends I occasionally heard the outlines of the subject-matter; but the whole subject was highly secret (it was "State Secret", and heavy penalties were imposed by law for revealing such information to any but the small circle of high officials entitled to access to it), and I knew and could know nothing concrete concerning it, except that evidently relations were gradually deteriorating, a process which if unchecked might lead Japan into a disastrous war.

41. However, I did know at the time of assuming the post of Foreign Minister enough of Japanese diplomatic and internal political history to be fully aware of the impotence of the foreign minister of Japan even within the field of foreign relations which was outwardly his charge. The position of the foreign minister in the Japanese system differed so radically, in both theory and practice, from that of the equivalent official in most other modern nations that I should like to emphasize certain facts in connection with the matter, for without full comprehension of this question my position cannot be understood.

42. On the one hand, the foreign minister is not solely charged, even within the cabinet or the government itself, with responsibility for the conduct of foreign affairs. This is apparent from the Constitution itself, according to which the ministers are collectively responsible to the Throne (full explanation of this point has also been made to the Tribunal by former Minister of Welfare Okada Tadahiko

Record, p. 17,752 and former Director of the Legislative Bureau Moriyama [Defense Document No. 2930]. With the collective responsibility has come its corollary, collective management of affairs; but subject to still another growing tendency of recent years, in every country, that of the Premier to assume more and more power over all affairs of state, including foreign affairs. On the other hand, it has to be noted that in Japan, the government itself has undergone within the past, say, fifteen years a progressive weakening of its power vis-à-vis the High Command of the Army and the Navy. The Tribunal is well aware of the independence which by virtue of long custom and the Constitutional provisions was enjoyed by the

High Command; but what I wish to emphasize especially is the gradual, sometimes imperceptible, but unceasing encroachment by the High Command upon the sphere of action of the government. By virtue of the assertion that such matters bore directly upon their special concern of national defence, the High Command had come to have the power even in time of peace to force acceptance of its proposals in matters of budgets, national finance, industry, education and other fields, as well as foreign affairs. The Foreign Minister, on the other hand, had no means of knowing the military strength of the country, and even in the field of foreign affairs was quite powerless to block any measures insisted upon by the military.

43. In the atmosphere of war of the ten years since the Manchuria Incident the military had wielded increasingly strong influence over foreign affairs, and the area within which a foreign minister could influence the national policy had become very much circumscribed indeed. As examples of this process, most of which are already familiar to the Tribunal, I might mention the following. The testimony of Baron Shidehara, Foreign Minister at the time of the Manchuria Incident, has shown how powerless he was to influence the decision of the high national policy where war questions were involved. After the commencement of the China Incident there was an increasingly strong opinion in military circles that the Foreign Ministry should be restricted as far as possible; at that time occurred the establishment of the Kōain (China Affairs Board), one of the manifestations of the design to deprive the Foreign Ministry of more and more of its responsibility, protest against the creation of which was a main reason leading Foreign Minister Ugaki (himself a retired full general of the Army) to resign his office. Examples of the Foreign Minister's being ignored in the taking of the most serious decisions affecting the national policy were numerous in the period leading up to the Pacific War. Thus (as I learned for the first time in this Tribunal) in the spring of 1941 military currency was already being printed for use in a possible war, without consultation with the Foreign Ministry, notwithstanding this currency was to be used in foreign countries, and accordingly might be expected to call for consultation with the Foreign Ministry. Again, on 17 October, upon the occasion of the resignation of the third Konoe Cabinet, the Lord Keeper of the Privy Seal called in the outgoing War and Navy Ministers--but not the Foreign Minister--urging them to a review of the Imperial Conference decision of 6 September and to come to agreement between Army and Navy on a basic national policy for the most serious question which can face a nation--war or peace (Exhibit No. 1154).

44. It was in these conditions that I was asked by Premier-Designate Tōjō on 17 October 1941 to assume the post of Foreign Minister. Knowing these things very well, and knowing that it was the strong stand of the Army, as expressed through Minister of War Tōjō, which had directly brought about the downfall of Prince Konoe's last cabinet, I was at some pains to assure that as Foreign Minister I would have scope for action. Therefore I told General Tōjō, when I called upon him at his request at about 11:30 on the night of 17 October, that before coming to any decision whether to accept the portfolio I must first be informed of the situation which had brought about the fall of the preceding cabinet. After hearing his explanation I said that in the event that the Army's stand was to be uncompromising, if even only on the question of the stationing of

troops in China, the negotiations would to a certainty end in a breakdown. Since in that case the continuance of negotiations would be meaningless, I said that if the new cabinet was to be formed on the basis of such a prospect I should have to reject the proffered portfolio of Foreign Affairs. I made it quite plain that I would agree to enter the cabinet only if the Army consented to make considerable allowances in reviewing the question of troop-stationing, and as well to reexamine the other questions in the Japanese-American negotiations--in short, only if the Army genuinely intended to facilitate the consummation of these negotiations on a rational basis. In response to my statement of my position, General Tōjō assured me that reconsideration of the various questions involved in the negotiations including that of the stationing of troops in China, might be undertaken. On this assurance, I agreed to accept the Foreign Ministership, and on the following day, 18 October 1941, the investiture ceremony was held and the Tōjō Cabinet was organized. There has been some mention during this trial of a "clique" centering around General Tōjō. I did not and do not know whether such a clique existed; but in this connection it may be worth-while for me to state the extent of my acquaintance with General Tōjō and some of the other defendants. So far as my memory serves, I had met General Tōjō, prior to 17 October 1941 when he called me in and requested me to accept the portfolio of foreign affairs, twice; the first time (though he does not remember this and I am vague concerning the details of time and place) in 1935, when he was chief of the Temporary Investigation Section of the War Ministry; and again in Hsingking, in 1937, during my visit of inspection to Manchoukuo. In Hsingking we met only with a group of people, never tête-à-tête. We never had more than this bowing acquaintance; I knew nothing, before entering his Cabinet, of his personality or outlook and he, I suppose, nothing of mine. I was not selected as Foreign Minister by reason of any personal relations with the Premier, for none existed, but (I assume--I never knew the facts) as a senior of the Foreign Ministry eligible in the normal course for the place. Three of the other defendants (Dohihara, Hashimoto and Hata) I met for the first time when we were confined in Sugamo Prison; three others (Generals Kimura, Mutō and Satō) after I became Foreign Minister. The rest I had known for varying periods; but the only ones who could be said to be more than official acquaintances were the defendants Hirota and Shigemitsu of the Foreign Ministry. With some of the others I had had occasion to come into more or less frequent official contact. General Ōshima I first met in Berlin, when I was appointed Ambassador and found him there as Military Attaché.

45. Concurrently with the Foreign Affairs portfolio, I took over that of Overseas Affairs, concerned with Japan's overseas possessions and colonies, and emigration. In my brief connection with that office--I was Minister only to 2 December 1941--I conducted no business whatever of the Ministry. So far as I remember, I was on the premises of the Ministry three times--once to be welcomed after investiture as Minister; once when I dropped in in passing to look about; and finally to say goodbye to the officials upon quitting the ministership. The Ministry was capably operated by the Vice-Minister, who had been with it since it was a mere bureau, and I was entirely too busy with the Japanese-American negotiations during October and November 1941 to devote any attention to its affairs--aside from the fact that I knew nothing about them. With this, I shall say no more concerning the Ministry of Overseas Affairs.

46. As I have mentioned above, I had not been informed prior to becoming Foreign Minister of the details of the course of the Japanese-American negotiations, which were high state secrets. I had, for example, absolutely no knowledge of the Imperial Conference decision of 2 July, which effected a decisive change in the course of Japan's policy; while regarding the decision of 6 September, which had driven diplomacy into a corner, I had only vague knowledge, nor was I familiar with the proceedings of the 14 October cabinet meeting, which had made the fall of the Konoe Government inescapable. I felt the need at the very outset to acquaint myself in detail with the negotiations which had gone before, by reference to the documents and papers relating to them, and this I did immediately upon my assumption of office. My chief reference data for this purpose were the cables from Washington reporting Ambassador Nomura's negotiations, the copies of cables from the Foreign Ministry to the Embassy and the "Opinion" of Foreign Minister Toyoda, Exhibit No. 2916.

47. My first impressions upon examining the proposals which had been advanced by the two parties to the negotiations, and the correspondence between the Foreign Ministry and the Embassy in Washington, were about these: First, that while basically Japan's position had been one of endeavoring to secure the stability of the Far East taking into consideration the actual conditions resulting from the events which had occurred since the Manchuria Incident, that of the United States had been one of not paying due regard to these conditions, which fundamental and almost unbridgeable difference in the viewpoints of the two countries had brought the negotiations virtually to a stalemate. Second, there was an extraordinary situation in that although Japan had in the course of the negotiations made considerable concessions from the desire to settle the China Incident which had so long been an embarrassment to her, nevertheless the positions of the two nations could be truly said to be farther apart by October than in April. This was owing to the United States' having taken a progressively stronger stand--gradually from about June, then after the Japanese advance into southern French Indo-China in July more rapidly cooling toward the negotiations. Thirdly, it was generally understood in Tokyo at that time that an agreement in principle had been reached with the United States on two of the three basic questions in the negotiations--the Tripartite Pact question and that of the non-discriminatory treatment in trade in China. Premier Tōjō himself told me that, based on the reports from Ambassador Nomura, such was the situation; it therefore appeared that there remained only one large point of contention--the stationing of troops in China--between the United States and Japan.

48. Since the days of the second Konoe Cabinet, the Japanese-American negotiations had been managed in the Liaison Conference between the Government and the Imperial General Headquarters. The Liaison Conference has been much discussed in the evidence here, but I do not believe that its nature and power have been made sufficiently clear. I wish therefore to give the following explanation. The Liaison Conference, which has no standing as a constitutional organ of government, dated from the time of the first Konoe Cabinet, when it became necessary to establish some liaison between the military High Command and the Cabinet, each of which was responsible directly to the Emperor. I repeat, the Conference as such has no constitutional existence, and its decisions had in a formal sense no weight. But since the decisions were treated at that time

as being binding so far as concerned those present (Premier, Chiefs of Army and Navy General Staffs, Army and Navy Ministers, Foreign and Finance Ministers and President of the Planning Board normally; occasionally other ministers as required), in practice they had great weight. Since the Army and Navy Vice-Chiefs of Staff were almost always in attendance before the war, and since of the three secretaries of the Conference (Chief Secretary of the Cabinet, Directors of Military and Naval Affairs Bureaus) two were military men, it can be seen how strong the military influence in the Conference was. Indeed, the fact of the establishment of such a conference is proof of the fact that the military authorities were not only interfering in politics but were exercising such influence as to control and direct the national policy, and that some co-ordination was needed; but while the military members of the Liaison Conference exercised great influence on affairs of state, the civilian members exercised very little or none on military affairs, and were not allowed even knowledge of military operations. Decisions of the Liaison Conference involving affairs of state had of course to be presented to the Cabinet--and, in proper case, to an Imperial Conference--but in almost no instance did such a decision fail to pass through the Cabinet in the form in which the Conference had adopted it. Of course drafts of the decisions of the Liaison Conference were always prepared beforehand--the matters examined by the staffs of the ministries concerned and co-ordinated by the three secretaries before they were submitted to the Conference; hence the matters to be passed upon were known in advance to the ministers and high officials of the ministries concerned, which facilitated their approval by the Cabinet. In accordance with the well-established custom which had prevailed since the days of the second Kono Cabinet, at that time all explanations to the Throne of deliberations and decisions of the Liaison Conference on questions involving peace or war were made by the Premier, the Foreign Minister reporting only on the diplomatic negotiations themselves.

49. Thus immediately after the formation of the new cabinet, meetings of the Liaison Conference again began to be held almost continuously, undertaking the most thorough reconsideration from every point of view of Japanese policy and its adjustment to the Japanese-American negotiations. To understand the situation of those days, it is necessary to bear in mind the state of opinion in Japan. The United States, Britain and the Netherlands had ruptured economic relations with Japan in July, and were known to be strengthening their measures of co-operation directed against Japan, thus making it appear, rightly or wrongly, that those Governments regarded a war as highly probable and were anticipating its outbreak. Japan was then engaged in a war with China which had been in progress for over four years (or, in another way of looking at it, since 1931). With all public opinion which manifested itself approving of and supporting Japan's course during and since the Manchurian Incident, it was unthinkable for any cabinet even to consider ignoring all of the changed conditions which had resulted from those years of warfare, as the United States was demanding of us--in fact, no Japanese, even those of us who had most strongly opposed aggressive courses, felt that we should do so. Indeed, the strong-policy advocates were already before the inauguration of the Tōjō Cabinet declaring with finality that there was no prospect of a settlement with the United States, and insisting that measures of self-defence be taken without further loss of time.

50. My position at that time will be apparent from the conversation which I had had with Premier Tōjō at the time of his offering me the Foreign portfolio; it was my desire to bring the negotiations to successful consummation without fail, for the sake not only of Japan but of the world. It was, of course, clear from the outset that the military authorities held strong views concerning the Japanese-American negotiations but I believed that there was still some prospect of saving the situation and ensuring the continuance of peace and a settlement which would be to the benefit of both countries. Since, however, from the time of the previous Konoe Cabinet all basic matters concerning the Japanese-American negotiations, were discussed and decided upon by the Liaison Conference; so in fact the Foreign Ministry was restricted in its conduct of foreign affairs to what was discussed with and gained the approval of the High Command in the Liaison Conference. One of the first steps that I took to further the Japanese-American negotiations was a removal from the Foreign Ministry of a number of officials who were urging the adoption of a strong policy toward Britain and the United States and were trying to guide foreign policy in an unsound direction, even going to the extent of conspiring with or catering to the radical elements of the Army and the Navy to achieve this. This had gone so far that many of the moderates of the Ministry, who constituted the great majority, had come to shrink from expressing their views, and their influence was declining, which not only disturbed the execution of a sound foreign policy in general, but in my judgement was likely to have a direct effect for the worst on the Japanese-American negotiations. I therefore determined to eliminate the radical elements from the service, and instructed Vice-Minister Nishi to carry out such a purge, the details of which have been testified to (Defense Document No. 2741). The result of my action was, I think, that the discipline of the Foreign Ministry personnel was effectively restored to a condition where we could exert all our efforts for the success of the negotiations without being distracted by internal dissension.

51. As I have said, the Liaison Conference meetings began immediately upon installation of the new cabinet. At the first meeting, on 23 October, the Chief of the General Staff of the Army, General Sugiyama, emphasized the need of hastening a decision. The intent of the 6 September decision of the Imperial Conference, he asserted, was that during the month of September diplomacy should be accorded primary emphasis and military preparations subordinated, but that from the beginning of October preparations for military operations would be the primary and diplomacy the secondary concern. Thus I soon found that despite the understanding that the 6 September decision would be reexamined, the High Command's unceasing acceleration of preparatory military actions as well as its strong stand on the conditions of the negotiations, were to be an obstacle to the management of the negotiations throughout. At the time that I became Foreign Minister and a participant in the Liaison Conference the only other changes in its membership were the Ministers of Navy, Shimada, and Finance, Kaya. There is a sort of momentum which must be reckoned with in such a case; not only did those who had been members of the Conference longer exercise greater influence in its deliberations than did newcomers, but they were also unable entirely to free themselves from the history of the matters discussed. Their approach to the reexamination of the 6 September decision, therefore, was to take that decision as a basis and to study what revisions of it could be made; and there was a strong feeling that it

should not easily be changed. At the same meeting of the Liaison Conference--the first--the Vice-Chief of the Army General Staff, Lieutenant-General Tsukada, was even more pessimistic and more intransigent: he saw, he said, no possible prospect of a successful outcome of the Japanese-American negotiations, and in view of the fact that Britain and America had already ruptured economic relations and strengthened their encirclement of Japan, these should be broken off at once and action taken in self-defence. I opposed this position of the High Command vigorously, insisting that if there were means of breaking the deadlock it was necessary that all of them be tried; and I declared that since there was room to try them, it would be an error to be over-hasty in taking military action now. With the object of reconciling these sharply-conflicting viewpoints the Liaison Conference studies went on, with reconsideration and study continuing every day, sometimes through the night and into the early hours of the morning; debate often developed into heated argument; no effort was spared for minute and careful discussion of the problems on hand.

52. There had been three major points of difference between the two Governments; the Tripartite-Pact question, that of non-discriminatory access to trade in China, and that of the stationing of Japanese troops in China. It then appeared, from the report of Ambassador Nomura, that of these the first two had reached a point of understanding where agreement would readily be reached (Exhibit No. 2906). I therefore concentrated my efforts on persuading the Liaison Conference to agree to the making of such further concessions on what was considered the remaining outstanding problem--that of the stationing of troops in China--that agreement might be reached with America. My study of the subject had convinced me that it would be necessary to make some further advance toward the American position, the best method of approach to which was by adopting as a basis the conditions which my predecessor, Foreign Minister Toyoda, had regarded as offering the possibility of agreement (Exhibit No. 2916), and then endeavoring to get agreement on new proposals. I therefore worked to secure agreement by the Liaison Conference upon a program developing those points. There was at that time a wide gulf between the positions of the two parties in the Japanese-American negotiations, and it was agreed by all that it would require a radical, almost revolutionary, change in the American attitude for any prospect to appear of settlement on the basis of the minimum demands contained in the 6 September decision. From the beginning, however, the majority of the participants in the Liaison Conference opposed the adoption of the principle of withdrawal of troops from the specified areas of China, and I had to fight unceasingly for it; the Army members especially strongly emphasized the necessity of indefinite stationing of Japanese troops in specified areas of China. In the end, as a result of my strong contention that it was improper and disadvantageous to station troops indefinitely on the soil of another country, the others relaxed their stand to the extent of agreeing with me to put a time-limit on the stationing. As to the duration, however, various strong opinions were still presented. I first proposed the same time-limit as that suggested by Foreign Minister Toyoda, five years. I could obtain no support for this, and then suggested eight years and ten years, also without success; there were even suggestions in the Conference of setting a 99-year period, or one of 50 years. Finally twenty-five years was agreed upon as an approximate limit. It will be observed that the actual proposal (Proposal "A") to the United States did not mention the twenty-five year period, but limited the time only

(as had been done in all proposals) to "a necessary period". This was because it was felt that at that stage the whole negotiation might be upset if debate over details were injected into it. The twenty-five year "approximate goal" was therefore given to Ambassador Nomura to be used in case of inquiry by the United States; but I had a talk privately with the Premier, and reached an understanding with him that if we found the United States to be in a receptive mood toward Proposal "A", in general, still further moderation of its terms might be considered. I did succeed in winning agreement to limiting the stationing of troops in the geographical sense, by having excluded from the areas where troops would be stationed the Shanghai triangular zone, Amoy and others; this too was achieved only after a struggle, for there was opinion by the military and naval authorities that we should retain the right to station troops at all the points specified by the 1940 treaty between Japan and the Wang Ching-wei régime.

53. A related problem was that of French Indo-China. Admiral Toyoda's proposal in this connection was that of no further increase of Japanese troops in Indo-China, in view of the apprehension entertained by the United States over the threat of Japanese military advance to the south with Indo-China as a springboard. With respect to this point also I prevailed upon the Army to agree, in pursuance of the main object of avoiding war, that upon the reaching of an agreement with the United States all troops would be immediately withdrawn from southern French Indo-China--a greater concession than that proposed by Foreign Minister Toyoda. In this matter, too, the opposition was strong; I won my point here and on the time-limit for stationing of troops in China only by threats to resign if this much scope for diplomatic action was not allowed me.

54. Persuading the Liaison Conference to agreement on these two major points was not achieved without long and arduous work--for, despite the "wiping the slate clean" which was often spoken of, practically it was not possible to ignore entirely the past course of affairs, and the limitation imposed by the 6 September decision upon diplomatic action did still subsist, at least that part which was a fait accompli--namely, that the period up to the middle of October had passed, and that the increasing military preparations which had been carried out had given rise to a feeling among the military that Japan would not be defeated if war came. This constituted a great obstacle to the re-examination of the 6 September decision or the determination of the conditions of further diplomatic negotiations. But while I had expected that the Army's stand on the making of concessions in the negotiations would be a strong one, I was somewhat astonished, in view of the history of the matter, to find from the Liaison Conference discussions toward the end of October that of the Navy scarcely less strong. In view of this, on 30 October I sent a representative to Admiral Okada, veteran of the Navy and an ex-premier who, I thought, had much influence in naval circles, to inform him of this situation and to request him to use his influence to moderate the stand of the Navy toward the negotiations.

55. By these efforts I finally succeeded in securing consent of the Liaison Conference to my presenting the Proposals "A" and "B", which were approved at the Imperial Conference of the 5th. The plan of these two proposals was my own idea,

but subject to modifications as above mentioned, and in the form adopted represented the utmost concessions which at that time could be wrung from the military authorities.

56. In addition to the question, already discussed, of whether and on what basis to continue the negotiations with the United States, there was another which was never absent from the background of the Liaison Conference discussions. This was the question of what Japan's policy should be if the negotiations failed in the end. This question first became explicit at the all-night session of 1-2 November, when there was a heated discussion of it and I again insisted with all possible force on avoiding war. To me it seemed of paramount importance to avoid war at almost any cost; I had seen the after-effects of World War I, in Europe, and knew that modern warfare would bring still greater suffering and misery to the peoples of the belligerent countries, and I felt that only by steady, sound development, avoiding sudden expansion or war, could a nation progress. I therefore insisted that even if the negotiations should end in failure, war need not follow; that even in such circumstances we should exercise patience and forbearance and await a changed situation. The military representatives retorted with the utmost vehemence that Japan must fight sooner or later, unless the negotiations could be concluded, for the reason that Japan's dependence upon imports of supplies, especially petroleum, was so great that with economic blockade of Japan in progress the "gradual exhaustion" of Japanese resources was apparent, and that if after our stockpiles had fallen to a minimum additional pressure were applied to enforce demands made by the United States and Britain relative to China or other problems we would have no alternative but complete submission without being able to fight. In this connection, a suggestion was made that perhaps we could continue with economic relations ruptured, assuring a supply for our needs by the production of synthetic oil. I concurred in the suggestion and argued in support of it, but the opinion of the Planning Board was that reliance could not be placed on synthetic petroleum, for Japan's production of iron and coal was insufficient, and their use for manufacture of petroleum would be at the sacrifice of other vital industries. The Board's opinion was also that, in view of the amount of equipment and other materials needed, it would if it were attempted be four or five years before annual production of four million tons could be attained. Thus the overwhelming opinion of the Liaison Conference was that though there might be a possibility of the international situation's turning in our favor if we exercised patience and watched the development of affairs until the spring of 1942, nevertheless in view of the gradual exhaustion of our stockpiles and the operational disadvantages which would come with delay, the prospect of the negotiations must be definitely ascertained while the situation was still favorable to Japan, and that if they were to fail we must go to war without further loss of time. The general feeling was, throughout this period, that the United States was conducting negotiations only to gain time for military preparations, and it was pointed out that from this cause also delay was disadvantageous to Japan.

57. The great majority of those attending the Liaison Conference were, as I have said, of the view that there was no alternative to war if negotiations failed. The Army High Command expressed confidence in victory in the over-all prospect of the war. But the view of the Navy was that they were confi-

dent of initial success; that though the situation after a year and a half or two years would depend on the general strength of the country and the international situation, we could establish an impregnable position if we occupied strategic points in the South; and that since we could only go to war immediately if negotiation failed and since we would lose the opportunity of success unless we did so immediately, we should decide on that day the steps to be taken in case of failure of negotiations. As, however, it was clear to me that once a war with America and Great Britain began it would be a long war, I thought it a short sighted view and a great mistake to depend much on the good prospects at the outset. I knew, I said, something of the determination and indomitable spirit of the American and British people, and by embarking Japan upon a war with them, should we lose it, no matter if the other party was wrong, we would be inviting disaster to our country. I therefore specifically asked the War and Navy Ministers for their views on the over-all prospect of a war.

58. The War Minister, Tōjō, replied by saying that the prospects were certain that not only success at the outset but also victory in the war as a whole could be won. Navy Minister Shimada said that there was no need for pessimism; and the Chief of the Naval General Staff, Admiral Nagano, stated, in addition to reiterating the necessity of immediate decision, that the Navy had every confidence in its ability to carry out interceptive operations, and that if the United States fleet should venture northward from the Central Pacific the Japanese Navy could and would destroy it, in the area of the Mandated Islands.

59. After the all-night discussion on 1-2 November the majority agreed that if the negotiations on the basis of Proposals "A" and "B" failed Japan would decide upon war. However, the explanations of the military and naval authorities and of the Planning Board failed to satisfy me, and I was not willing to concur at once in the proposal to decide on war in case the negotiations failed. Therefore, despite the High Command's and the War and Navy Ministers' pressing for an immediate decision, at the conclusion of the Liaison Conference of 1-2 November I requested that I be given the night to think the matter over before giving my vote. Finance Minister Kaya joined me in this request.

60. I deliberated over the whole matter that night. Although I felt that something less than full credit should be accorded to the assurances of the military authorities, I could not refute their arguments, having no accurate data (all of which were military secrets) upon which to judge of the condition of the armed forces of Japan, nor of the national strength of Japan in other fields. All of the arguments from the viewpoint of the international situation had been fully considered. I had pointed out the vast material and spiritual strength of Britain and the United States, and I had insisted that no great expectation could be entertained of German assistance. I came to the conclusion that so far as concerned the views of the armed services on the prospects of war, I was in no position to refute them or disprove their factual basis, but had to take them on trust. The only remaining question was whether I might be able to bring about a change in the situation by my own resignation. In this connection I called, in the morning of 2 November, on former Premier Hirota, who was one of my seniors in the Foreign Ministry and from whom I had

received advice and assistance on other important problems. I explained to him the general situation, and told him that the Japanese-American question was in far more serious state than I had thought when I entered the Cabinet, and that there was great danger of war despite my resolution to succeed by diplomacy, and asked his opinion of whether there was a possibility of bringing about a change in the situation by my resignation. Mr. Hirota was opposed to the idea; if I resigned, he pointed out, a supporter of war might immediately be appointed Foreign Minister, therefore I should remain in office to do all that I could to maintain peace. Meanwhile, Vice-Minister Mishi, whom I had sent to learn the Finance Minister's decision, returned with the report that Mr. Kaya had reported to Premier Tōjō his concurrence in the decision of the majority of the Liaison Conference. It seemed to me, considering all these factors, that there was nothing for me to do but agree; and I therefore called on the Premier around 12 o'clock and told him that I did so. I took the occasion, however, to secure his agreement to several suggestions which I made to him. One was that if the United States showed a receptive attitude toward either of our proposals, "A" or "B", he would support me in obtaining Japanese reconsideration of our maximum concessions, for the sake of the success of the negotiations. Premier Tōjō also confirmed the agreement which I had obtained from the High Command in the Liaison Conference, that if negotiations should be successfully concluded, all military operations would be suspended and the original status restored. I told the Premier at that time that I would now continue the negotiations on the basis of Proposals "A" and "B", with the resolve that if they did end in failure I might consider resigning. The proposals were reported to the Cabinet meeting, with my explanation of how they had been decided upon by the Liaison Conference. The proposals were of course approved by the Cabinet, and also by an Imperial Conference on 5 November.

61. Proposals "A" and "B", which were approved by the Imperial Conference on 5 November, are already in evidence (Exhibits Nos. 1246 and 1245H). I felt that if the United States were willing to understand Japan's position and manifest a spirit of reciprocity, it might be quite possible to break the deadlock by agreement on the general lines of Proposal "A". By that time, however, matters had reached such a stage that settlement of all the outstanding problems at a stroke was likely to be difficult at best, and sure to be impossible if we encountered continued American insistence on their demands. It was for the purpose of averting a crisis by agreement on the most urgent matters calling for immediate solution that I had prepared Proposal "B" as well. The intention of Proposal "B" was, by restoring conditions to something resembling normal relations--to those prevailing before July--to create a calm atmosphere and remove the imminent threat of an outbreak of war.

62. Negotiations on the basis of the new proposals commenced in Washington on 7 November. The course of the negotiations in Washington has been fully testified to by the witness Yamamoto (Exhibit No. 2915), and I shall not repeat his explanations. The deliberations of the Liaison Conference, however, continued; it would be a happy solution if the impasse in the negotiations could be broken by the two new proposals, but in the light of the past attitude of the United States sufficient expectations of favorable reception could not be entertained to justify the abandonment of further study toward the eventuality of failure in the negotiations. Hence the Liaison

Conference discussions treated not only of the conduct of the negotiations but also of measures to be taken in case of failure of negotiations.

63. It was a little before this time that I discovered that the condition of the negotiations was not quite what we had all thought it. I have mentioned before that reports from Washington had given reason to believe that the Tripartite-Pact and China-trade questions had already been all but settled. The longer I studied the files, however, the less evidence I could find of anything tangible to support this belief; and finally I inquired directly of Ambassador Nomura. His answer was that the reports to that effect had not been quite correct. This naturally made the prospects of settlement even more remote, though I still had confidence that my Proposals "A" and "B" were fair and reasonable, and hoped that the United States might be persuaded to recognize that fact. It was at this same time that I sent Ambassador Kurusu to assist Ambassador Nomura in Washington. My motive in doing this was that of having in Washington during that critical period an experienced career diplomat, to assist Ambassador Nomura in conducting the negotiations. Since Ambassador Nomura had specifically requested even before I became Foreign Minister that Ambassador Kurusu be sent for the purpose (Exhibit No. 2921), and since Ambassador Kurusu and I shared a sense of the importance of maintaining good relations with the United States, he was the natural choice for the purpose. On 3 November, therefore, I requested him to accept the mission, which he did; I outlined to him the situation prevailing and the imperative necessity of early settlement of Japanese-American problems, war being unavoidable if they failed, and requested him to convey this to Ambassador Nomura and to cooperate with him to do their best for the success of the negotiations, which he promised to do.

64. Again we encountered the time-limit. Since the beginning of November the High Command representatives had urged in the Liaison Conference necessity from operational considerations that it be ascertained promptly whether the negotiations would succeed or fail, and they had stated strongly in the beginning of November that it must be made clear in the course of that month what the prospect of the negotiations was. It was necessary, they said, for them to make operational preparations on the assumption that military action would be commenced in the beginning of December should war become unavoidable. I argued against putting a time-limit to the negotiations for the reason that it would hinder the diplomatic activities greatly, and would be likely to prevent successful conclusion of the negotiations, but I was overruled for reasons of operational necessities. This time-limit imported an additional difficulty into the negotiations; it was of course because of it that the so-called dead-line was set in instructions to the Washington Embassy.

Military preparations were, of course, simultaneously being made ever since the decision of 6 September but, they being matters of operational secrets, no information concerning them was given to the Liaison Conference. The civilian Cabinet ministers who participated in the Liaison Conference were never informed of the operational preparations, and never knew, for example, that the Japanese fleet had assembled in and sailed from Hitokappu Bay, or that the Southern Army Headquarters had been formed and General Terauchi appointed its commander-in-chief. As to the sailing of the fleet, it first came to my

knowledge after the termination of the war, from reading the newspapers. The fact that the first target of military operations was Pearl Harbor had never before the attack been communicated to me in the Liaison Conference or anywhere else, nor from any source whatever. I personally assumed that the Philippines and Malaya would be the first targets of military operations should a war occur, since in the Liaison Conference there had been in early November some mention by the High Command of what time would be required to occupy the Philippines and Malaya, and a remark by the Naval High Command to the effect that they were confident of victory in battle with the American fleet when it should come near Japan. I did not dream that the Japanese Navy would ever attack the American fleet in Pearl Harbor. The Navy High Command, when mentioning war prospects, always spoke of "luring out" the American fleet and destroying it "in the vicinity of the Mandated Islands"--see for example the 13 November Liaison Conference decision, Exhibit No. 919.

65. Proposal "A" did not gain American acceptance--did not, in fact, arouse any perceptible interest, contrary to our expectation. Proposal "B" was therefore--after I had secured assent of the Liaison Conference, of course--presented on 20 November. At first conditions appeared promising; when we learned that the American newspapers of the 25th were reporting the probability that a modus vivendi would be concluded, we assumed that it was on the basis of Proposal "B". It was on this assumption that I sent to the Embassy an instruction regarding the amount of oil which would be requested when an agreement was reached. The figure adopted in this instruction was much less than that suggested originally by the Army General Staff, owing to my insistence, and was approximately equivalent to the average of Japanese imports over several years (Exhibits Nos. 2944 and 3445).

66. On 26 November, in Washington, Secretary Hull handed his "ten-point" proposal to our Ambassadors. The cable from the Ambassadors summarizing Secretary Hull's note was received on the morning of the 27th. Almost simultaneously I received another cable from the Ambassadors giving their recommendation of a procedure for settling Japanese-American affairs by having President Roosevelt send a personal message to the Emperor and the Emperor reply, after which in the cordial atmosphere so created the Japanese Government should propose the neutralization of French Indo-China, Thailand and the Netherlands East Indies. The Ambassadors requested that Lord Keeper of the Privy Seal Kido be consulted concerning this proposal. The suggestion of the Ambassadors of the neutralization of three areas, implying the withdrawal of troops which would follow as the consequence, raised many complicated and difficult questions. Only after heated discussions and the threat of resignation in the Liaison Conference had I been able to obtain the consent of the military high command to the withdrawal of troops from southern Indo-China; in the circumstances prevailing it would have been impossible to secure a decision for withdrawal from all of Indo-China without any assurance of solution of such related questions as that of Japanese-Chinese peace, freezing of assets, and others. The recommendation of the two Ambassadors proposed only the neutralization of French Indo-China, the Netherlands East Indies and Thailand, and made no mention of the possibility of rescission of freezing of assets, deemed absolutely necessary by Japan, if it were adopted, nor of the United States' readiness to undertake mediation for peace between Japan and China, the

reaching of which peace had been the fundamental reason for the stationing of Japanese troops in Indo-China. Moreover, it was clear that the two Ambassadors themselves had no confidence in the success of this procedure after receiving Secretary Hull's note on the 26th, for in their telegram dispatched shortly after the receipt of that note they reported that there was no prospect of reaching an agreement and advised measures to be taken in case freedom of action was resorted to (Exhibit No. 2949).

67. On the 27th there was a Liaison Conference at which the Hull note of 26 November was discussed. The reaction of all of us to it was, I think, the same. Ignoring all past progress and areas of agreement in the negotiations, the United States had served upon us what we viewed as an ultimatum containing demands far in excess of the strongest positions theretofore taken. We felt that clearly the United States had no hope or intention of reaching an agreement for a peaceful settlement, for it was plain to us and must have been plain to the Americans that this document demanded as the price of peace total surrender by Japan to the American position. Japan was now asked not only to abandon all the gains of her years of sacrifice, but to surrender her international position as a power in the Far East. That surrender, as we saw it, would have amounted to national suicide. The only other way to face this challenge and defend ourselves was war.

68. The following day, the 28th, I called on the Premier at his official residence fifteen minutes before the Cabinet meeting which was scheduled to convene at 10 A.M. I talked over with him and with Navy Minister Shimada, who appeared from the next room and joined us, the Ambassador's recommendation, as well as the Hull note, the full text of which had been received. Though they should both of course have been familiar with the Ambassador's report of Secretary Hull's note and with their recommended plan--since copies of all the important cablegrams relating to the negotiations were automatically routed by the Foreign Ministry to the War and Navy Ministries, and the General Staffs through the Military and Naval Affairs Bureaus (Exhibit No. 2915)--I made explanation to them of the contents of these messages. Both the Premier and the Navy Minister were of opinion that there was absolutely no hope of a solution by such means as that proposed by the Ambassadors. I left before the end of the Cabinet meeting, since I was being received in audience at 11:30. Before being received in audience I explained to Lord Keeper Kido about the Hull note, and talked with him (telling him that that was their desire) concerning the two Ambassadors' recommendation.

He was discouraged by the Hull note, and he too was of the opinion that the Ambassadors' recommendation was insufficient to save the situation. Marquis Kido even said that if its conditions were adopted as the basis of a settlement, the result might be civil war. I told him that I would report his opinion to Ambassador Nomura. The plan was not reported to the Emperor because there was none who could take responsibility for it, the Government having no confidence in its realization and his chief adviser being against it. Ambassador Nomura was instructed accordingly, that the quarters he had suggested had been consulted but that the recommendation was not regarded as appropriate for adoption at that time (Exhibit No. 1193). It was at this time that we received a report from Ambassador Nomura that the State Department, which had theretofore maintained silence concerning the negotiations,

had made public their development, and that the American press was saying that the decision of peace or war was in Japan's hands (Exhibit No. 2750). In reading this report, we felt that America was expecting war.

69. Now for the second time I considered resigning as foreign minister. I had at all times had the intention of resigning if by doing so I could further the Japanese-American settlement. Conditions were now, however (for reasons which I shall mention in a moment), basically different from those of early November when I had first considered resignation, and there seemed little likelihood that a change in foreign ministers could affect the situation. I did, nevertheless, ask for the advice of former Foreign Minister Satō, one of the Foreign Ministry seniors who had been much interested in the success of the negotiations, whether by resignation I could bring about a change of over-all policy by forcing a change of cabinet, and thus avoid war. He advised me against resignation, saying that there was no possibility that it could affect the situation--as did a few others whom I consulted concerning the matter. My reason for feeling at that time that resignation would be useless is as follows. Before, the question had been one of wringing from the military authorities agreement to the making of further concessions which might lead to a compromise of the Japanese and American positions; by resignation I might (I had thought) have been able to force a change of government in favor of one able to take a stronger stand against the demands of the military high command. Now, it appeared that no concessions which Japan could make would avail to reach an agreement with America; America evidently was no longer interested, if she ever had been, in any compromise; it was now, patently to everyone, a question of the self-defence of our nation. There remained only the faintest hope of a diplomatic settlement, and that hope was based on the possibility of American reconsideration; my resignation would in no way have assisted toward a settlement, but would only have been an escape from my responsibility. I therefore decided to stay on, work for every last chance to avoid war, and, should war break out, to do everything in my power for its earliest possible termination, in the interest of Japan and of the world.

70. As I have said, the feeling not only of myself but of all concerned in the matter was that after the Hull note of 26 November there was no hope for a settlement with the United States unless it could be persuaded to reconsider its newly-adopted extreme stand. I had felt earlier that war need not be the consequence of a failure of negotiations; I had been overruled, and submitted. But now it was a far broader question. The very existence of the Japanese nation was at stake, and I was compelled to agree that we must wage war, whatever the prospects, unless America would reconsider. At the Liaison Conference of 27 November, everyone had agreed on this, and there was no dissenting voice to the proposition that we must go to war. The meeting adjourned with the decision to present the recommendation to an Imperial Conference.

71. The Liaison Conference decision after consent by the Cabinet meeting of the following day, was presented to the Imperial Conference of 1 December and was there approved, the general feeling being that Japan had no alternative but to resort to self-defence. On the 29th there was a meeting of the Elder Statesmen, or ex-Premiers, concerning which there has been some testimony. There was a morning meeting called by the Government, and an afternoon audience with the Emperor. At

the morning meeting there were explanations made to the Elder Statesmen by the Premier and other cabinet ministers; the Premier's was of the reasons compelling Japan to resort to war, mine was confined to the Japanese-American negotiations, and was given in detail; ex-Premiers Wakatsuki and Hirota alone made inquiries concerning the negotiations, which I answered fully, as has been testified to by Admiral Okada (Exhibit No. 3229). No one present expressed the view that the American proposal should be accepted, at the afternoon meeting, held in the presence of the Emperor, Prince Kono especially stated that he was fully informed concerning the negotiations and approved of the efforts of the Government. He said that he agreed that there was no hope for the negotiations, in view of the recent United States proposal, but wondered whether there was no way by perseverance to avert war. The Premier replied that the matter had been thought over again and again and studied most earnestly by us, and that the conclusion was that there was no other course than war.

72. On 1 December the actual decision to commence the war was made, by the Imperial Conference called for the purpose. Those present were all members of the Cabinet, Chiefs and Vice-Chiefs of Army and Navy General Staffs, the Chief Cabinet Secretary, Directors of Military and Naval Affairs Bureaus, and the President of the Privy Council. Again explanations were made by the Premier (Exhibit No. 2954) of the circumstances compelling us to go to war, and by me of the negotiations and the impossibility of continuing them after the 26 November note (Exhibit No. 2955). Explanation of various other matters by the other Cabinet ministers and the High Command followed. There was then unanimous agreement on the necessity of going to war.

73. Even with the formal decision taken to go to war, there remained some hope, faint though it was, of reaching a solution through diplomacy. Japan had nothing new to offer; but there always remained the possibility that, especially if we took a strong stand--by manifesting no intention to yield to the American demands--the United States would repent of the finality with which its latest position had closed negotiations and, being willing to make a "peace with honor" for both sides, would reconsider. For this reason I urged our Ambassadors in Washington to do what they could to obtain American reconsideration, and so reported to the Liaison Conference. Prior to the decision for war of 1 December, of course, I had already instructed the Ambassadors not to let negotiations lapse, which would have made certain the war which up to then was only probable. For continuing the negotiations in the only way that I could see open I am now charged with deceit and perfidy, with having kept up a pretence only to gain time to cloak the military preparations which were going forward. I have attempted to make it clear that it was never, at any time, on our side, a question of gaining time, but that rather I had the constant struggle to prevent precipitate action by the military High Commands--and not only I, but my predecessors had had this struggle throughout the Japanese-American negotiations, to defer military action and keep negotiations going. It seems to me yet that, even when war had been actually decided on, I would have been a traitor to my profession had I not tried to take advantage of any last hope for a peaceful settlement; and, as has already been testified (Exhibits Nos. 809 and 2915), I had secured the commitment of the High Command that if by any chance an agreement could yet be reached, all military plans would be canceled.

74. Meanwhile, there remained the important questions of procedure--how and when to notify the commencement of hostilities if we obtained no reconsideration from the United States and had to carry out the plan for war. These questions of procedure came up at the first Liaison Conference following the Imperial Conference. At this meeting I asked when operations would commence. General Sugiyama, Chief of the Army General Staff, said, "about next Sunday". I thereupon said that it was appropriate that the usual and customary procedure be followed in regard to notifying the commencement of hostilities, which I had assumed would be done as a matter of course. I was immediately met, however, with the statement by Admiral Nagano, Chief of the Naval General Staff, that the Navy wished to carry out a surprise attack, and by the demand by Vice-Chief Itō that the negotiations be left unterminated, in order that the war be started with the maximum possible effectiveness. I rejected this suggestion, replying that it was contrary to the usual practice and highly improper, and that such conduct would be disadvantageous because, even if we were going to war, there would be a time when the war would come to an end and we would be a nation at peace again, and we should think of our national honor and repute against that day before committing irresponsible acts at the war's beginning. I had received a telegram from our Ambassadors in Washington actually discussing this very point and urging that if Japan was going to resort to "freedom of action" a notification of the breaking off of negotiations should be given also in Washington (Exhibit No. 2949); and I quoted this to the meeting to show that my suggestion was the natural and normal one and that notification was absolutely necessary as a matter of international good faith. However, Admiral Nagano continued to contend strongly that if we were to go to war we must win. None among the members came to my support; which is perhaps the best explanation for the fact that none of them now remembers this altercation. I was disgusted by the Navy's position, and took the initiative in adjourning the Conference, without any decision's having been reached. Immediately upon my arising from my seat Admiral Itō came to my place and pleaded with me to understand the difficult position of the Navy, and suggested that in any event the notice breaking off negotiations, if one must be given, be given to the American Ambassador in Tokyo, rather than in Washington. I refused, and we parted without any agreement. I felt, nevertheless, that he recognized that the Navy would have to agree to giving somewhere a notification of termination of negotiations before attacking.

75. Upon the opening of the following Liaison Conference Admiral Itō announced that the Navy had no objection to delivering the notification of termination of the negotiations in Washington, and requested that the notice be delivered at 12:30 P.M., 7 December, Washington time. No one opposed. I inquired whether that would leave a sufficient time before attack, and he said that it would. (I shall explain presently my conception of "a sufficient time".) It was therefore so agreed. My feeling was that after a hard struggle I had succeeded in stopping the Navy's demand, but had stopped it at the ultimate limit of international law. Since the end of the war--or, more precisely, since the beginning of this trial--the Navy has taken the line that nothing was ever further from their intention than to mount a "surprise attack" against the United States. It is clear that my testimony on this point, as in some other particulars of events leading up to the Pacific war, is in conflict with that of other defendants. The decision

between us is, of course, for the Tribunal. I have fought throughout my life for what I thought was right, and now at the end of it I am determined, for the sake of history as well as the purposes of this Tribunal, to the best of my ability and recollection to tell the full truth as it is known to me, neither attempting to evade responsibility which is mine nor accepting that which others would transfer to me.

76. This may be the opportune time to explain my understanding of the international law in regard to the question of commencement of hostilities. I am no scholar of international law, but of course as a diplomat throughout life I have made some study of the subject, and in December 1941 I saw the matter as follows. As I have attempted to make clear, my feeling, like that of all others concerned in the decision to wage war against the United States and the British Empire, was that the war was one of self-defence--clearly so under the broad interpretation of the scope of the right of self-defence laid down by the United States in these very Japanese-American negotiations--and I was aware that opinion existed that a war of self-defence required no giving of a declaration of war. I knew for example that when Hague Convention III was considered in the Peace Conference of 1907 the American delegate, General Porter, specially stated that the policy of the United States invested the President with the power to exercise the right of national self-defence at any time and place--and that the United States did not, apparently, regard the Convention as applicable in such case, as was demonstrated when the punitive expedition was sent to Mexico in 1916 without the declaring of war by the Congress, it being explained as an act of self-defence. I knew also that Secretary of State Kellogg, in his note to all the nations participant in the Kellogg-Briand Pact, had said that the right of self-defence was above treaty provisions. But since international agreements did in their wording provide for (though international practice had largely ignored) the giving of a notice as the normal course, I thought it better in every way that that course should be followed even in a case where it might be superfluous, rather than that there should be any question of Japan's good-faith observance of international morality.

77. The notice which we proposed to and did serve upon the United States was not in terms a declaration of war. I considered a notice of termination of negotiations to be sufficient, and a compliance with international law in the situation of that time, for the following reasons. The Hull note of 26 November we regarded as being beyond any possible question an ultimatum from the United States--it offered to Japan the alternatives of abject surrender or war. Japan's answer to the American ultimatum, rejecting it, we felt to be sufficient as a notification that hostilities would be resorted to, and in effect a declaration of war. It seemed to me, in considering and approving the form of the final note, that it was in any point of view tantamount to a declaration of war: the expression "the earnest hope of the Japanese Government to preserve and promote the peace of the Pacific . . . has finally been lost", I thought, clearly imported that peace was ended, with war to follow. I did not feel that the document would have been made any more unequivocally a declaration of war by the inclusion in it of such stock phrases as "a state of war exists between our countries" or the reservation of "freedom of action which Admiral Oka has testified that he proposed (and which, by the way, I never saw or heard of); they would only have emphasized the obvious. The note as it stood being more plainly a declaration of war than the "ultimatum" contemplated by Hague

Convention III, there was no room for such phraseologies. So far as I remember, the opinion is universally held among international-law scholars that no special form of words is necessary for a document to constitute a declaration of war, but that any language was sufficient which unequivocally expressed the intention (it was clearly in my mind that one of the most recent cases, France's declaration of war against Germany in 1939, France notified only the carrying out of her obligations to Poland). But, over and above all technical questions, it had been unmistakably clear for some time in Japan that rupture of the negotiations would lead to war, and I have no doubt that it was so understood in the United States as well. Hence we drew the notification in the form of a breaking-off of negotiations, which the Liaison Conference had authorized, and which was drawn in the full confidence that it would be understood as a declaration of war.

78. The draft of this final notification had, except for its final part, already been drawn, in the days after our receipt of the United States' note of the 26th. It was actually written, of course, by the American Bureau of the Foreign Ministry; but its contents were those dictated by the decisions of the Liaison Conference. After drafting by the Foreign Ministry in accordance with those decisions, the note was revised on the basis of the opinions of the Army and Navy officials interested; but the details of this have been testified to, and I need not repeat them. The draft note as eventually agreed upon was distributed to the members of the Liaison Conference at the meeting on 4 December, and approved by them, and also, no one dissenting, by the Cabinet meeting of the 5th, when I orally reported on the contents.

79. In the afternoon of 5 December the Vice-Chiefs of the Army and Navy General Staffs, General Tanabe and Admiral Itō, called on me. Upon entering my office Admiral Itō stated that it was the desire of the High Command to postpone delivery of the final note in Washington from 12:30, as previously agreed upon, to 1 o'clock, and asked my consent. I feared that the time between notification and attack might be made too short, and asked why the change was desired. Admiral Itō said that he needed the postponement only because of his own miscalculation of the time. General Tanabe said that the Army's operations would commence after those of the Navy. I asked how much time was needed between notification and attack, but was told that the operational plans were secret and could not be disclosed. I then insisted on knowing whether the proposed arrangement left an adequate time before the attack, and upon receiving Admiral Itō's assurance that it did, I agreed to the change. On leaving, Admiral Itō remarked that he hoped the note would not be dispatched to the Embassy too early; but I replied that it had to be so sent as to insure delivery to its destination at the time fixed. The agreement to change the hour of delivery was reported to the Liaison Conference by Admiral Itō on the 6th. No one opposed this, and it was approved. At the same meeting, Admiral Nagano, Chief of the Naval General Staff, said that this was a very important note and should be delivered to Secretary Hull personally. It occurred to me that the Secretary might well have other plans for lunch-time on a Sunday, so I promised to order it done if possible--which was ordered (Exhibit No. 1218).

80. I have mentioned above my conception of "a sufficient time". I was well aware that the conference which adopted the

Hague Convention had debated fully and finally rejected a proposal to fix a definite time for advance notification of hostilities. Since, as a result, many scholars had stated that one minute's advance notice was sufficient, I felt quite assured that if some such period as an hour were allowed it would comply with the requirement of the Convention. Not being, as I have said, an expert of international law, I not only read much on this subject in those days, but also especially sought out legal opinion. I requested the opinion, for example, of Dr. Tachi Sakutarō, generally accounted Japan's most distinguished living international law scholar, then adviser on international law to the Foreign Ministry. I had also discussed the matter long before with Dr. Nagaoka Harukazu, who had been a member of the Secretariat of the Hague Peace Conference and Judge of the Permanent Court of International Justice; this was when I was Councillor in Berlin under him as Ambassador. Both of these authorities were of the opinion that I was correct in my beliefs that a war of self-defence required no giving of notice, but a notice however short was valid where notice was necessary. I might just add a word concerning the Kellogg-Briand Pact. As First Secretary of the Embassy in Washington at the time the Pact was negotiated I had worked on it and was therefore familiar with its history and meaning. I assumed that the explanations of Secretary Kellogg concerning the non-applicability of the Pact to a situation of self-defence, and the reservations of the right of self-defence made by various Governments before their ratifications of the Pact and not taken exception to by any other signatory power, clearly imported that that Pact likewise was not applicable in the case of Japan's war against the United States and Great Britain.

81. After the final note had been approved by Liaison Conference and Cabinet, I gave instructions that it should be cabled to Washington in good time, together with instructions to the Ambassador to make all necessary preparations for its delivery at the time agreed upon. The Tribunal has heard full evidence concerning this question, as well as how the delay occurred in making delivery, and I should like merely to refer to that evidence as showing that all that was possible was done in Tokyo to insure proper delivery, and that the delay was not caused, deliberately or negligently, by any action taken by me or anyone in Tokyo (Exhibits Nos. 2964, 2967 and 2970). I naturally learned, however, from American radio broadcasts soon after the commencement of the war, that apparently there had been mismanagement in Washington. I learned even sooner that the attack on Pearl Harbor took place at about twenty minutes after the time when the note should have been delivered, and a few days after the outbreak of the war when Vice-Chief of the Naval General Staff Itō explained the matter to me I protested to him that if the attack was to follow so soon on the notification, I saw no reason for the Navy to have objected to notification in the first place. His reply was evasive--to the effect that "I am sorry for you; we cut it too fine". A short while after the beginning of the war, in the course of a conversation with Premier Tōjō, the subject came up of the American broadcasts' having reported that our note had been delivered late--after the beginning of hostilities. We had both been dismayed and displeased at this report, and I mentioned that it was unfortunate, if true, especially in view of the great propaganda value to our enemies of such an incident, and that it was being so used by them. I recall that the Premier said "I wonder how such a delay could have taken

place? Can it be that the United States itself delayed the delivery?" I answered that I did not believe that, but that, since no communication could be had with Ambassador Nomura, we would have to wait to learn how the delay had occurred until we could inquire of him and the Embassy staff upon their return to Japan. In fact, I gave instructions at that time to the Vice-Minister and the Chief of the Cable Section to have an investigation made when the Embassy staff returned from Washington, and when they arrived in Japan on 20 August 1942, I again ordered the investigation commenced into the causes of the delay. Within a few days after that, however, I became very busy with the problem of the Greater East Asia Ministry, as a result of which I resigned office on 1 September, without having received a report on the matter. The investigation was made, and its results have been testified to (Exhibit No. 2964). The prosecution have introduced into evidence a pamphlet (Exhibit No. 1270A), printed by the Treaty Bureau of the Foreign Ministry, as evidence that I had a guilty conscience over the late delivery of the final notification to the United States and attempted to procure legal opinion to justify it. Not only was that pamphlet prepared without my direction or knowledge; not only did I never see it while I was Foreign Minister; but it is wholly unnecessary for me to seek justification for an incident which occurred in violation of my orders. Reference to the preface of the pamphlet itself shows that it was wholly unofficial, and represented merely the individual opinions of those who prepared it (Defense Document No. 2914).

82. I first knew the contents of President Roosevelt's message of 7 December to the Emperor at around 12:30 A.M. of the 8th, when Ambassador Grew called on me. We had heard suggestions during the day of the 7th that such a message was on the way, and I had had inquiries made to try to locate it (Exhibits Nos. 2960 and 2963), but had learned nothing until at about 10:00 at night Ambassador Grew called to say that he had an important message which was being decoded, and would like to call as soon as the job could be finished. He did call soon after midnight; he informed me of the arrival of the President's message, asked an audience--which I told him would have to be arranged through the Imperial Household Ministry but, it being midnight, it could not be said when it could be granted--and left a copy of the message with me, taking his departure after about fifteen minutes. I immediately ordered a translation prepared; and, the matter being an important one, I called the Imperial Household Minister, Mr. Matsudaira Tsuneo, told him that the message from President Roosevelt to the Emperor had come through Mr. Grew, who wanted to have an audience to submit it to the Emperor, and asked him how, in view of the fact that it was the middle of the night, I should proceed. He told me that I should talk with the Lord Keeper of the Privy Seal, the matter being political. I then called Marquis Kido, who suggested that I consult the Premier, and said that the Emperor would receive me even at such a time. The translation being ready about 1:50, I called on Premier Tōjō at his official residence; he said that a message of such contents would do no good. I left him, returned to my residence to change clothing for the audience, and started at about 2:30 for the Palace, where I arrived at about 2:40. There I met Marquis Kido in the waiting-room, and had a three- or four-minutes' talk with him before my audience, telling him the contents of the telegram; then was received in audience from 3 to 3:15. I reported the matter to the Emperor and received his answer, and left, returning to my residence at about 3:30.

83. The following morning Ambassador Grew called on me around 7:30--I had ordered arrangements made to see him at 6, but the arrangements were reported delayed by difficulty in making telephonic connection with him--and I gave him the Emperor's answer to the President's message, as well as a copy for his reference of our final note. The war having then, of course, already started, the Ambassador never formally delivered the President's message to the Emperor. Before the interview with Mr. Grew I had heard that radio broadcasts of the commencement of the war and the attack on Pearl Harbor had been made by Imperial Headquarters at 6; and naturally assuming that the Ambassador had received the information, I made no mention in my conversation with him of the state of war, but expressed as my farewell words my appreciation of his efforts for the negotiations and my regret at the precipitation of such a state of Japanese-American relations. It has since been charged that I was engaged in deceiving Mr. Grew; but it should be sufficient to point out that I could have had no motive for doing so at that time when the commencement of hostilities had been published to the world. British Ambassador Craigie followed Mr. Grew, seeing me at about 8 o'clock. This visit also was made by my request, though the time of the Ambassador's arrival was much later than planned. To him also I gave a copy of our final note, and informed him of the cessation of negotiations. As my farewell I thanked him for his endeavors for the improvement of relations between our two countries since his arrival. I thought that both these interviews were understood to be farewell greetings.

84. Regarding the delay in delivery to Ambassador Grew of the President's telegram, I had no knowledge at the time. The testimony given in the Tribunal has disclosed that incoming and outgoing diplomatic messages were delayed by the Ministry of Communications at the request of the Army General Staff; but neither of these organizations consulted me nor, so far as I know, the Foreign Ministry in the matter, nor had I any knowledge that the delay was being effected. I had heard from Ambassador Nomura of the press report that such a message had been sent by the President, even before which (having gotten such news from the press services) I had inquired of him concerning it, and had had my subordinates inquire of the Ministry of the Imperial Household on the supposition that the message might have been directed to the Emperor personally. However, as I say, I was able to get no information concerning it until Ambassador Grew reported.

85. The question has arisen why our final notification was not served on the Government of Great Britain as well as that of the United States. The Liaison Conference decision that a notification of breaking off negotiations would be delivered in Washington of course excluded the delivering of a declaration of war in London. There was, moreover, reason to expect that the course chosen would be equally effective. In the latter stages of the negotiations--or at all events from the time that I became Foreign Minister--relations with Great Britain were naturally considered. Throughout the whole of the negotiations with the United States ran the assumption that to any agreement to be concluded with it the British and Dutch (and of course the Chinese) Governments would become parties, or that simultaneous settlements of outstanding problems of Pacific interest would be made with them. I therefore from time to time inquired concerning this point not only of the United States Government and Ambassador, but also of the British Ambassador, the answer invariably being that the settlement of all such

matters would be managed by the United States Government, which would keep the British and other interested Governments informed. I was aware also of Prime Minister Churchill's speech of 10 November 1941, in which he had promised that hostilities between Japan and the United States would be followed automatically by those with Britain. The Tribunal has already seen the evidence of these facts (Exhibits Nos. 2956, 2918, 2957, 2958, etc.). It was therefore evident that any notification to be given in connection with the negotiations might properly be given to the United States alone, relying upon it to inform the powers associated with it and for whom it had acted as representative.

86. The prosecution argue that I am convicted, by a variety of evidences, of double-dealing in carrying on the Japanese-American negotiations while, as they charge, I was secretly taking part in the making of plans for war. I have already described as accurately as I am able to my actions and my thoughts and intentions of the seven weeks of my foreign ministership prior to the war; but, lest my silence be taken as admission of the charges, I must deal also with a number of minor points. First of these is the consular reports of shipping from various ports of America, the Indies and elsewhere, which were addressed to me in response to requests which had gone out over my name. Evidence has already been given that these were routine matters which were managed by subordinates of the Ministry (Exhibit No. 2915). I do wish, however, to take the occasion to deny specifically that I ever had any knowledge of the subject other than the fact that such routine was followed, and to state that none of the messages in question ever came to my attention.

By production of Exhibit No. 2975, a draft of proposed policy drawn by some Foreign Ministry subordinate official, the prosecution have attempted to show, I suppose, that the Foreign Ministry or the Foreign Minister had the intention of continuing negotiations as a sham. Inasmuch as this document is one of a very large number of the same type produced during the trial, I should like to say a word about its significance. In the Japanese ministries and governmental offices it is customary for low-ranking officials--especially those below section chief--to prepare, without specific instructions on each occasion, various "studies" or drafts of policies, notes, etc., relating to current questions. These in no way represent policy of the ministry; if occasion arises, the drafts will be presented to responsible officials for their consideration, when they may be adopted in toto, serve as the basis for final drafts, or be rejected. It is obvious that it would be quite out of the question for a foreign minister to read or to know of all of these papers. So far as concerns Exhibit No. 2975, I can deny that I have ever seen or known of it; but in general I point out the fallacy of indulging any presumption that a state minister knows of such documents simply because they are found in the files of his ministry.

87. I have already mentioned the no-separate-peace agreement which was concluded on 11 December 1941 among Japan, Germany and Italy (Exhibit No. 51). Despite the importance which the prosecution profess to attach to this agreement, I remain unconvinced that it is not a most natural thing for a nation which expects or fears to find itself at war to take such measures as are prudent by way of provision for it, including the acquiring of as many allies as possible. Nor was

it perfidious that the negotiations for conclusion of the agreement began, as the prosecution have pointed out, during the last week before the outbreak of war. The probability of war, after the Liaison Conference of 28 November, was very great; and this agreement was the result of our desire to get whatever assistance we could from the nations which were in all likelihood to be our co-belligerents. (My own estimate of the amount of assistance that we were likely to get was, as I had said in the Liaison Conference, quite low, and so far as I could see the main effect of a no-separate-peace agreement would be what encouragement it would bring to our people, by warding off the feeling of isolation. The Liaison Conference, however, had decided that negotiation for it should be undertaken.) Up to the time of receipt of the United States' 26 November note--and even thereafter--I had refused repeated requests of Ambassador Ott to give the Germans any concrete or detailed information concerning the development of the Japanese-American negotiations--no other course would have been consistent with my desire to bring the negotiations to success. After the American note made war almost unavoidable, for the first time on 30 November I instructed the Japanese ambassadors in Berlin and Rome to inform the Governments of Germany and Italy of the general outlines of the negotiations and to commence negotiations for a no-separate-peace agreement in the event of war. In connection with General Ott, moreover, I should point out the absurdity of such reports of his as that of 5 December (Exhibit No. 608) that any "leading official" of the Foreign Ministry gave him such misinformation as he there recites concerning Japan's intention in commencing hostilities. No responsible official of the Foreign Ministry--certainly none of the three or four who were informed on this subject--would have discussed the matter with General Ott; and anyone who told him as late as 4 December that the procedure for opening hostilities was under "deliberation" could not have been one of those few, who knew that the matter had been settled by the Liaison Conference. The Ambassador of Germany was patently taken in by the gossip of some bureau director who wished to appear to have important information to give in confidence on a matter of which he was uninformed--or perhaps the general was, as he has testified (Exhibit No. 3503) to having done on occasion, indulging his imagination.

88. Lastly, on one or two broader questions related to the Pacific war. With the naval disarmament question I have had some connection. First was in 1932, in Geneva, when as Secretary-General of the Japanese delegation I worked for the success of the General Conference on Disarmament. Later, Japan's abrogation of the Naval Disarmament Treaties, in 1935, and the withdrawal from the London Naval Disarmament Conference of 1936 occurred during my service as Director of the European-Asiatic Bureau, and as Bureau Director I had to work on these matters with the naval officials concerned. The Navy Ministry submitted to me the draft instruction to the Japanese delegation, based on the principle of the common upper limit. In the Washington and London Treaties, however, Japan had agreed to the ratio principle of naval limitation, and had made a proposal approving it at the General Conference on Disarmament in Geneva. When I received this proposal of the Navy I opposed it, on the ground that contending for the principle of the common upper limit would not only make an agreement difficult, but would give rise to suspicion of Japan's intentions, probably blocking the conclusion of a new treaty, and thus enhancing the danger of an armaments race and a war. For two or three months we had heated discussions, during which time I

never agreed to the Navy's proposal. Finally, as agreement could not be reached at the bureau-directors' level, the matter went to the higher authorities for decision. Foreign Minister Hirota adopted and spoke for my view, but was overruled, and the Navy's proposal became the national policy. Having failed in my efforts for quantitative disarmament, I continued working for qualitative limitation and the exchange of information on naval ship-building, but the Navy's opposition again prevailed. Throughout the controversy the Navy's stand was extremely strong, and the assertion was freely made that the question of naval strength lay within the prerogative of the High Command and allowed of no outside intervention.

89. The prosecution have produced evidence to show that at various times the South Seas Islands held by Japan under mandate of the League of Nations were being fortified, contrary to the terms of the mandate. I suppose that it is self-evident that if fortification was carried on, the Foreign Ministry had no part in it; but perhaps it will be charged that we were in a conspiracy because correspondence concerning the matter passed through the Ministry. This whole matter was the responsibility of the Treaty Bureau--in which I never served--and I never had any official connection with it or knowledge of it; I was told by Treaty Bureau personnel that the military authorities had given assurance that they had no intention of violating the terms of the mandate, and there seemed to be no reason to disbelieve it. In any event, the Foreign Ministry was, as the only branch of the government which dealt with other governments, the mere channel of communication through which passed the inquiries made by the League and the answers received from the military and naval authorities.

V.

War-time Diplomacy and "Greater East Asia" Relations

90. The scope of diplomacy in war-time was much restricted. With the United States, Great Britain and the Netherlands there were, of course, no diplomatic relations; with Germany and Italy questions of war were uppermost. There remained, in effect, the questions only of our relations with the U S S R, the countries of East Asia and South American countries, and of diplomatic preparation for the eventual restoration of peace.

91. I have already mentioned the tendency not to pay due regard to the diplomatic function, which had been increasing from some years before the war. War inevitably intensified this condition--but diplomacy, it seemed, was expected not only to play a secondary role, as was natural with war in progress, but to be wholly neglected. A striking example of this tendency came to light at the time of the question of Japan's participation in the war against Russia. When I reported to the Emperor in July on the refusal of the German request to go to war against the U S S R and discussed with him the steps to be taken to insure that his desire should be correctly conveyed to the German Government, without interference by the military authorities, he also mentioned his desire to see an early restoration of peace. I then discovered for the first time that the Emperor had expressed this desire to Premier Tōjō as long before as February, but neither he nor

the Lord Keeper of the Privy Seal had ever mentioned it to me. Needless to say, questions of military operations were still kept secret in war-time, including those which had intimate connection with foreign affairs--the Navy, for example, kept entirely secret even from the Liaison Conference the defeat at Midway.

92. Disagreement of views, partly over this question and partly concerned with the policy of direction of the war, had early after the start of the war developed between me and the Premier and some of the other Cabinet ministers. The general atmosphere, both within the government and outside, was at that time one of over-optimism brought about by the initial victories of the war. The Premier and others believed that it was going to be a long war--of ten to twenty years' duration--and that it would take a long time for the United States to build up her fighting power, so that she would not be able to undertake a counter-offensive before 1944. Instead of trying to establish Japan in an impregnable position, therefore, they concentrated on strengthening the political position of the government by securing election of the candidates for the Diet sponsored by the Imperial Rule Assistance Association in the spring of 1942 and by the creation of the Greater East Asia Establishment Council (from the purview of which military and diplomatic matters were excluded), and tried to consolidate the authority of the government by putting into effect such measures as those for reorganization of enterprises and reform of the educational system.

93. I opposed such measures on the ground that it was premature to undertake such a program with the war just started, and that long-range plans should not be laid in a time of emergency. As to the prospect of the war, I felt that a large-scale war of attrition could not last longer than five or six years, and I therefore insisted that it was urgent that preparations be made for increase of production and stabilization of living conditions. I came into collision with the Premier also on such other matters as the China question, in connection with which I frequently urged the Liaison Conference to reconsider promptly a fundamental policy for its solution. These differences developed, finally leading to a head-on clash and my resignation over the Greater East Asia Ministry question in September 1942. But before coming to that I should sketch the diplomacy which I conducted while still in office.

94. With the Soviet Union I attempted, as always, to maintain the best relations possible. Maintenance of neutrality with the U S S R was the fundamental policy of the government; but beyond that, from the beginning of the Pacific War I was thinking of and planning for its termination, and considered that the most promising method of approach was to try to bring about Russo-German peace as a preliminary step. I did in fact try as early as 1942 to set such a plan in motion (Defence Document No. 2740).

95. During my tenure of office the Soviet-Manchukuoan border was generally maintained in peace. In January 1942, in particular, the Governments of Manchukuo and the Mongolian People's Republic finally approved the work of the border-demarcation commission which, in accordance with the agreement arrived at between Foreign Commissar Molotov and me, had marked the border in the Nomonhan areas (Exhibit No. 2659). Considering

that the Russian-Manchoukuan border was (especially in view of the Russo-German war) quite secure, I often suggested to the military authorities that they could rely on my assurance that the Red Army would not launch an invasion of Manchoukuo even if the Japanese forces on the border should be considerably decreased. I attempted also to avoid irritation of the U S S R by persuading the military authorities not to reinforce the Kwantung Army (I never knew, by the way, of the "Kantokuen" of the year before).

96. At the outbreak of the Pacific war some controversies occurred between Japan and the U S S R, growing out of restrictions, based on the rights of a belligerent, enforced upon the vessels of the U S S R, a neutral. To such controversies the Foreign Ministry paid careful consideration, forwarding to the Government of the U S S R the replies of the Navy concerning measures taken in response to the Soviet protests or inquiries. The Foreign Ministry took the initiative also in offering conveniences for the rescue and repatriation of Soviet sailors and vessels involved in such incidents, and for recompensing the Soviet Government by transfer to it of vessels to replace such of theirs as were sunk. There were, while I was Foreign Minister, no steps taken toward disturbing the transportation through Vladivostok of munitions from America, despite various complaints from Germany in regard to it.

97. War-time relations with Germany and Italy were, so far as concerned the Foreign Ministry, very much restricted. Events bore out my prophecy of the amount of cooperation to be expected from our European allies; it was, as the Tribunal is already aware, never more than nominal. The Russo-German war had cut rail communication between us; and sea transportation became increasingly difficult until with the German defeat in North Africa communication was practically restricted to the token exchanges of small amounts of supplies by submarine (Exhibits No.s 2751, etc.). At the time, of course, I had no information of the extent of such cooperation, it being military and hence outside my field. The respective German and Japanese attitudes vis-à-vis the U S S R also illustrate the kind of relations between the two countries. Germany's expressed desire from the time of the third Kono Cabinet had been that Japan join in the war against the Soviet Union, and that request was renewed in July 1942. It was decided, however, that Japan should refuse the request and give as a reason that she could not undertake a two-front war, which was accordingly communicated to the German Government through the German Ambassador in Tokyo and the Japanese Ambassador in Berlin (Exhibits Nos. 3508, 2751 and 2762). I never dreamed of, far less participated in, any plan for Japan for domination of the world in cooperation with Germany and Italy.

98. It was in October 1941, when I became Foreign Minister, that for the first time I managed as on my own responsibility affairs relating to China, including Manchoukuo. I had once, many years before--in 1929, before the Manchuria Incident--made a visit of inspection to Manchuria, and as a result had reported to the then Foreign Minister, Count Makino, that we must cooperate with China in a spirit of mutuality and achieve truly cordial relations. The intervening years had seen the occurrence of the Manchuria Incident and the China Incident--with neither of which had I anything to do. I am now charged with having,

by serving as a diplomat and Cabinet minister in later years, worked to secure the fruits of aggression committed there. I have never done so. I was never sympathetic to those incidents, and when I have been in positions of responsibility toward them I have done what I could to prevent their occurrence or spread.

It was at any rate more clear than ever in 1941 that the China Incident must be settled, and I hoped when I became Foreign Minister that I should be able to achieve it. At that time the Kōain (China Affairs Board) had been in charge for some years of all political, economic, cultural and other business of China (excluding Manchuria); it had its agencies at various places in China, and negotiations with regional régimes in China were its affair. The creation of the Kōain had opened a new and major phase of China relations. Its purpose was frankly that of removing from the Foreign Ministry control, so far as concerned China matters, the normal functions of a foreign office; the Foreign Ministry's liberal attitude toward other countries was heresy to the militarists, who therefore managed to have China affairs confided to a new organ under their control. The Foreign Ministry's remaining jurisdiction extended only to diplomatic negotiations in Nanking--"diplomacy in the narrowest sense"--and matters pertaining to the consulates (whose main business was protection of Japanese nationals in China). Thus the connection of the Foreign Ministry with Japanese-Chinese relations was all but severed, and the Ministry had lost its power to deal with affairs in China. I was, it is true, as Foreign Minister an ex officio vice-president of the Kōain (others were the Ministers of War, Navy and Finance); but since the very purpose of the creation of that body had been the destruction of the Foreign Ministry's authority vis-à-vis China, the influence of the Foreign-Ministry vice-president in the Kōain was nothing. As has been pointed out by the prosecution (13 June 1946, Record, p. 543), the business of the Kōain was conducted almost exclusively by its Director-General.

100. Manchurian affairs had in the main been confided for many years to the Taiman Jimukyoku (Manchurian Affairs Board); I had nothing to do with that body, and therefore very little to do with Manchurian affairs. The Foreign Ministry's only connection with Manchuria was that we maintained the Embassy in Hsingking and consulates in Harbin, Manchuli, Heiho and Mutangchiang, but the functions discharged by the Foreign Ministry through them were only negotiation with the U S S R over Manchoukuoan matters. The post of Ambassador was held ex officio by the Commander-in-Chief of the Kwantung Army, and the Foreign Ministry of course did not control him.

101. After the commencement of the Pacific war, the Government of Manchoukuo and Nanking China cooperated with Japan, without themselves entering the war. Neither went to war. On the basis of Exhibits Nos. 1214 and 1219 the prosecution assert that the Japanese Government directed and controlled those two in their policy toward the war. These telegrams are submitted in the form of intercepts, and of course the Japanese translation provided is not the text originally sent. I do not remember having sent messages of such content, and the language has not the sound of Foreign Ministry phraseology; but in any event, if they were sent by the Foreign Ministry, there is nothing inherently sinister in the use of such language as appears there, for it is customary in diplomatic instructions, for simplification of telegraphic language, to use such terms as "to have the foreign Government do so-and-so", or "the steps to be taken by the foreign Government are". Similar expressions may be found in our telegrams to our embassies in Washington, London and Moscow.

102. I have mentioned a time or two heretofore that I had consistently opposed the China Incident from its beginning, and had worked as far as I could for its early settlement on an equitable basis. My opposition at the time of the outbreak is already in evidence (Exhibit No. 3260). I was not at that time in charge of China affairs, but I believed that for the sake of Japan's international relations generally it was a matter of urgent necessity to arrest the expansion of the incident by settling it locally. With Vice-Minister Horinouchi and the Director of the Bureau of East Asiatic Affairs, Ishii Itarō, I earnestly advised Foreign Minister Hirota that he should object to the dispatch of troops to China, to which he agreed. But our efforts failed, and the long-drawn-out China Affair got under way. Later, I had worked at the Japanese-American negotiations from the point of view of arriving at an early settlement of it. Still in war-time I insisted on this. In March 1942 the question of the policy for direction of the war was discussed in the Liaison Conference, and I then pointed out that in the domestic field the increase of production and the securing of food, and in the international field the preservation of Russo-Japanese peace and the prompt solution of the China Affair, were of primary and immediate importance. At that time I obtained the agreement of the Conference to my proposal that the basic policy vis-à-vis China be examined from all points of view; but it was subsequently reported by the Army High Command that although the military authorities had been examining the military aspects of the matter, there were many difficulties and no conclusion had yet been arrived at. The matter failed to develop thereafter, notwithstanding I seized one more opportunity to press it. This was in the middle of July, when former ambassador Ōta Tamekichi, returning from a trip to China, reported to me that Wang Ching-wei had suggested to him the immediate cessation of Japanese-Chinese hostilities and general

peace between Japan and China. I reported this to Premier Tōjō with another request for prompt examination of the China policy.

103. As to the Philippines, Japan declared as early as January 1942 her intention to accord them the status of an independent country--partly as having inherited the United States' promise that Philippine independence should be realized by 1946 (Exhibit No. 1338B). So far as concerned my motives in supporting this policy, they were on the one hand to demonstrate that we entertained no territorial ambition in the South, and on the other to remove one obstacle to eventual peace with the United States by manifesting the same intention vis-à-vis those islands as that of the United States.

104. The only new event during my tenure of office in the Tōjō Cabinet affecting Indo-China was the military agreement of 9 December 1941 (Exhibit No. 656). This was a measure taken by the military authorities on the spot, and the Foreign Ministry and I had nothing to do with it.

105. It was, despite the Imperial Conference decision, Japan's intention if possible to avoid entering into belligerence with the Netherlands East Indies. The Dutch Government, however, declared war against Japan (record P.11,654) for reasons of her close relationship with the United States and Great Britain, and the Dutch Navy was at once reported as carrying out attacks on Japanese shipping. Japan was therefore compelled to take hostile measures against the Indies.

106. It was the relations of Japan with "Greater East Asia" generally which brought about my final break with Premier Tōjō and my resignation from the government. There was a fundamental difference of outlook between us on the question of these relations. Japan had long been recognized to occupy in East Asia the position of stabilizing force; very recently there had begun to be expounded the idea of a New Order in East Asia or a Greater East Asia Co-prosperity Sphere, which originated in such concepts as those of bloc-economy and Lebensraum. My fundamental policy was different from that. As will be seen from various evidences, it was one of establishing good, neighborly and amicable relations among nations on the basis of mutual respect for sovereignty and of economic cooperation. My principle was that Japan, as an advanced nation of East Asia, should assist the progress of the countries and regions of East Asia and realize the prosperity of those countries and of Japan through peaceful means. This idea of mutual assistance excluded any policy of exerting control over those countries by force.

107. My speech reporting on foreign affairs to the Diet on 22 January 1942 (Exhibit No. 1338A) was an expression of those principles. Notwithstanding that this speech was delivered soon after the outbreak of the war, it in no way expresses (as will be clear to anyone who reads it) any intention that Japan should annex or exploit any part of East Asia. Of course it is stated that such areas as are absolutely necessary for the defence of East Asia in the war were to be grasped by Japan--but this is a war-time speech, concerning war measures. Needless to say, Ambassador Gitt's distorted account of this speech (Exhibit No. 1271), which for some reason the prosecution chose to introduce in addition to the original document, while it may represent his view, has nothing to do with mine. I wish

to point out especially that in the Diet speech I clearly said that the Greater East Asia Co-prosperity Sphere should not be conceived of as an exclusive thing, and that measures to exclude non-Asiatic states from participation in East Asia should not be taken.

108. In the course of this trial has come to my attention Exhibit No. 1333A, denominated a Foreign Ministry Plan for the Policy on the Disposal of the Southern Areas, dated 14 December 1941. If this extraordinary document was actually drawn in the Foreign Ministry, it could have been only a draft worked up by a section chief or a lower official, of the type already referred to; I never approved it, never saw it nor heard of it. That it is quite impossible that it should have been adopted or proposed as Foreign Ministry policy is demonstrable from the inconsistency of this purported policy with my proposed policy in the matter which was finally adopted by the Liaison Conference. After the Japanese occupation of the southern areas the High Command had proposed there that for the sake especially of convenience of execution of military administration the disposition of those occupied territories be then determined. Against this suggestion I insisted that such an important matter should certainly not be decided at that stage in war-time, when nothing was as yet finally settled. Premier Tōjō agreed with my view, and it was finally so decided by the Liaison Conference.

109. Confirmation of my true attitude toward the Greater East Asia question can be found in the matter of the Greater East Asia Ministry. This question, which led to my final break with the Tōjō Cabinet, had first come up in May or June of 1942. At that time there were only rumors that the establishment of a new ministry was contemplated; but as time went on the general outlines of the scheme emerged. It appeared that all outpost agencies in the area of Greater East Asia (excluding Korea, Formosa and Sakhalin) were to be placed under the control and supervision of the Ministry of Greater East Asia; with the exception of matters of what was called "pure diplomacy", all political, economic and cultural affairs concerning foreign countries in the Greater East Asia area--such as Manchoukuo, China, Thailand, French Indo-China, etc.--were to be placed in charge of the new ministry. With its establishment, the Taiwan Jūmukyoku, the Kōain and the Ministry of Overseas Affairs were to be abolished. The avowed purpose of the plan was to place those countries under special treatment as brother nations, and to contribute to the attainment of the objectives of the war by carrying out a general mobilization of material power throughout Greater East Asia.

110. The creation of the Ministry had been planned by the four cabinet board presidents, and principally by the Planning Board, and by the summer of 1942 conditions had so far developed that there was considerable prospect of its realization. At that time I had a talk about it with Premier Tōjō. I told him that it was no time to indulge in changes of administrative structure, the urgent necessity being to establish an undefeatable position, and expressed my opposition to the plan for the reasons that the establishment of the proposed ministry would in practice remove from the Foreign Ministry the essential part of the diplomacy of Japan, thus impairing the unity of Japanese diplomacy, and would injure the pride as independent nations of the other countries in Greater East Asia, with the result that it would become impossible for Japan to

maintain friendly cooperation with them. The Premier promised that he would give the matter careful consideration.

111. On 29 August Mr. Hoshino, Chief Secretary of the Cabinet, called on me at the direction of Premier Tōjō, and handed me a copy of a draft proposal for establishment of the Ministry for Greater East Asia which was on the line above mentioned and was to be submitted to the Cabinet. It was, he told me, the intention of the Premier to present it at the Cabinet meeting of 1 September. I glanced through the proposal which Mr. Hoshino had handed to me and inquired of him about the meaning of the "pure diplomacy" which was to be left to the Foreign Ministry. He explained that by "pure diplomacy" were meant such things as matters of protocol and the formalities relating to the conclusion of treaties. Thus the Foreign Ministry would receive ambassadors of foreign countries, and would sign any treaties concluded, but the Greater East Asia Ministry would conduct all negotiations. I pointed out the impropriety of the plan, and requested that its submission be postponed until the Cabinet meeting of 5 September, so that there would be enough time to study the proposal. Mr. Hoshino left, but called again later, bringing Premier Tōjō's reply that he wanted the plan decided on without fail at the 1 September meeting. After a dinner on 31 August I had an opportunity to discuss the matter with Premier Tōjō, and repeated my opposition to the plan, again urging that its submission to the Cabinet meeting of 1 September be put off. The Premier refused. Thus the plan came up for decision at the Cabinet meeting of 1 September. At that meeting I explained my opposition somewhat as follows, and we had a discussion which lasted for three hours in the morning. I had four grounds of objection to the proposal.

112. First of these was that under the proposed plan the foreign policy of Japan would be in the hands of two different ministries, according as it related to Greater East Asia or to the rest of the world. Such an arrangement would render it impossible for Japan to conduct a unified and consistent diplomacy, and neither the Foreign Ministry nor the Ministry of Greater East Asia would be able to function properly.

Secondly, the countries of Greater East Asia, because of being treated differently from other foreign countries, would entertain distrust and suspicion of Japan, and their pride would be hurt. Any treatment of this sort is certainly contrary to the spirit of respecting the independence of other countries.

Thirdly, the proposed plan meant the extension of the jurisdiction of the Kōain, which had excited ill-feeling among the Chinese people, and it would thus be a failure.

Fourthly, it was urgently necessary to concentrate our efforts toward the execution of emergency measures, and it was not the time to undertake the changing of the administrative structure.

113. Against my assertions Premier Tōjō argued that the Greater East Asia countries had to be treated differently from other countries, as relations between Japan and the countries of Greater East Asia were like those of kin. General Suzuki, President of the Planning Board, contended that the Kōain had not been a failure. I retorted that it was a fact well known

to everyone that it had been a failure. A few other Cabinet ministers expressed themselves, but none came to my support. The Cabinet meeting took a recess with the discussion unfinished. During the recess Premier Tōjō asked me for my individual resignation, but I refused it, saying that it was the Premier and the other supporters of the plan, not I, who should reconsider the matter. I considered it necessary from the viewpoint of the general war-guidance policy to persist in my stand to force out the Tōjō Cabinet.

114.. Soon thereafter, Finance Minister Kaya called on me to ask my reconsideration. Subsequently, General Satō and Admiral Oka, Directors of the Military and Naval Affairs Bureaus, together visited me. They said that the plan for the establishment of the Greater East Asia Ministry was supported equally by the Army and the Navy, and requested me once more to agree to the plan. I again refused altogether. Finally, Navy Minister Shimada came to me and said that a change of Cabinet was not desired by the Court, and that he would work for a compromise solution if one was possible. After exchanging views with him, I presented my final plan of compromise. Navy Minister Shimada left, but later returned and conveyed to me the information that Premier Tōjō did not accept the compromise plan. I had never expressed any intention to make an individual resignation, but had been making efforts with the determination to do everything possible for the attainment of my purpose. In view, however, of the talk with Navy Minister Shimada, I decided to and did tender my resignation, out of a desire not to cause annoyance to the Emperor by further complicating the matter, and retired on the same day, 1 September.

115. As a result of my resignation of office Premier Tōjō became concurrently Foreign Minister, and the plan for the establishment of the Ministry for Greater East Asia was thus decided upon at the Cabinet meeting of 1 September. The Government had intended the new ministry to commence functioning as of 1 October. My resignation, however, aroused public opinion, and it was not until 9 October that the Privy Council began examination of the plan. There followed sharp arguments between the Privy Council and the Government over the plan, as seen in Exhibit No. 687; the Privy Council even suggested to the Government that it withdraw the proposal, but Premier Tōjō and the other supporters of the plan refused. On 24 October the Examination Committee of the Privy Council adopted the plan by a majority vote (Privy Councillor Ishii being absent). At the meeting of the full Privy Council which followed also there was much controversy over the plan before it was passed by a majority, with Councillors Ishii and Minami dissenting. Finally, the Ministry was inaugurated on 1 November.

116. I learned later that with regard to the scope of "pure diplomacy" the Government had decided to make the necessary definition in the Cabinet, leaving the regulations governing the functions of the ministries concerned without any provisions on this point, and that this also had been explained to the Privy Council. But the "pure diplomacy" defined by the Cabinet understanding upon the establishment of the Greater East Asia Ministry was somewhat wider than the plan shown to me at the Cabinet meeting of 1 September, as a result of the opposition of the Foreign Ministry and the criticism expressed by the Privy Council.

117. At the Cabinet meeting of 1 September civilian members of the Cabinet also had supported the Greater East Asia Ministry proposal. Later I learned that they were not necessarily in opposition to my position, but were of opinion that a change of cabinet at that time was to be avoided. As I have said before, however, I had by that time come to the conclusion that the Tōjō Government, somewhat intoxicated by the initial victories of the war, was paying no serious consideration to preparations for the conduct of the war; that some within the Cabinet felt that there was no need of diplomacy in the management of external affairs; and that in general the Government's policies were being executed in a very superficial manner. I considered the Greater East Asia Ministry proposal an expression of such tendencies of the Tōjō Cabinet, and it was my conviction that at that opportunity it should be replaced. Despite my strong opposition to the Greater East Asia Ministry, for this and other reasons already mentioned, I could not change the current single-handedly; but events were already justifying my view, for the battle of Guadalcanal had deteriorated, not to mention the sea-battle off Midway, and the road to defeat was already plainly marked out.

118. As I have said, I retired from the government service at the time of my resignation of the Foreign Ministership and remained in retirement until I was again appointed to the position on 9 April 1945. Notwithstanding the fact that during my second term I held concurrently the ministership of Greater East Asia, my connection with Greater East Asiatic affairs from then until my quitting office on 17 August of the same year was slight; partly because I was chiefly occupied with the problem of ending the war, partly because almost all authority over matters relating to East Asiatic countries had by then been transferred to the military ministries. A word first, however, as to how I came to accept the portfolio of Greater East Asia Affairs notwithstanding that I had bitterly opposed the creation of that ministry. It was my desire and intention when I could to see the Ministry of Greater East Asia abolished; meanwhile, by holding the two portfolios concurrently I could let it die of inanition, and did. As Minister for Greater East Asia Affairs I did nothing.

119. The continuity of my attitude toward the countries of East Asia can be seen in the decisions of the Greater East Asia Ambassadors' Conference held in Tokyo on 23 April 1945, decisions adopted in accordance with my proposals and with the consent of the Governments of the countries represented as the guiding principle for the establishment of the world order (Defense Document No. 2931). The principles here spoken of are 1) establishment of political equality of nations and avoidance of racial discrimination; 2) respect for national independence and non-interference in domestic affairs; 3) freedom for colonial subject peoples; 4) economic reciprocity and equality; 5) exchange of cultures; 6) prevention of aggression; 7) the establishment of the international order by means of both regional and universal security systems. This plan, I venture to believe, is not essentially different from that later developed by the United Nations at San Francisco.

120. By the time of my second assumption of the Foreign Ministership in April 1945 there was almost nothing for even the Greater East Asia Ministry to do in connection with the countries of East Asia. Although its jurisdiction did include some matters relative to occupied areas, those were not matters of administration actually but only of rendering assistance to the Army and the Navy, which conducted the administration,

by training officials in Japan to be sent to the occupied areas. In Burma and the Philippines (which had declared their independence during my retirement) the military commander was in control not only of military affairs but also of the guidance of internal politics, because it was considered to be inseparably related to the conduct of the war. Thus while the ambassadors to those countries managed diplomatic affairs under the direction of the Minister for Greater East Asia, they were interfered with even within the scope of their jurisdiction by the military commanders. The same was true of the ambassador to Indo-China; despite the different status of that country, the ambassador could not act against the will of the military commander. In addition the war situation had so deteriorated that in most of those countries we no longer even had functioning ambassadors. Burma, for example, had been partially reoccupied and our ambassador had escaped from Rangoon to the interior, where communication between him and Tokyo was so nearly impossible that it was impossible even to learn conditions there. The Philippines likewise had been lost by Japan, and there was no possibility of our conducting diplomatic functions. The various "plans" submitted by the prosecution for the disposal of British Malay, involving the annexation by Japan of part of that territory (Exhibits Nos. 1333A and 1334-1336) were never approved or known by me during either of my terms as foreign minister.

121 The changed conditions occurring in French Indo-China in March 1945 (Exhibits Nos. 661-664), preceding my assumption of office, I had nothing to do with. As a result of this change, Indo-China was placed under the exclusive jurisdiction of the military authorities, and the Embassy was closed in March and the Ambassador returned to Japan in the following month. From that time, of course, the Greater East Asia Ministry had nothing to do with affairs of French Indo-China. At the Greater East Asia Ambassadors' Conference mentioned above, a resolution was adopted on the motion of the Thai Ambassador that full support be given to the movement for independence, then recently declared, in Annam, Cambodia and Luang Phrabang. It was the unanimous desire of the countries of East Asia that all the peoples thereof have their independence, which was in conformity with the policy of Japan. The same may be said of the resolution adopted at the same time relative to the status of the Netherlands East Indies; I again in fact emphasized in July at the Supreme Council for Guidance of the War the necessity for our assisting the Indonesians to the independence, thus to demonstrate that we had no territorial aspirations in that area.

122. Lastly, among war-time questions, is that of prisoners of war. The Foreign Ministry's connection with this matter commenced when, in January 1942, notes from the British and American Governments were received through the Swiss Government requesting advice whether Japan would agree to reciprocal application of the Geneva Convention of 1929 regulating treatment of prisoners of war. Japan was not a signatory of that Convention; but I felt that Japan should--and assumed that she would--out of humanitarian considerations, agree to application of it so far as was reasonably possible. The decision, however, was not for the Foreign Ministry to make. The Tribunal has heard full explanation of the question of responsibility for prisoners of war in the Japanese system; I wish, however, to mention one additional point to clarify the very limited

responsibility of the Foreign Ministry in this matter. The sum of responsibility for matters relating to prisoners of war resides in the Prisoners-of-War Management Bureau and the Prisoners-of-War Information Bureau. The former being a War Ministry bureau, no responsibility for its management of prisoners accrues to the Foreign Ministry. The latter, however--which is the bureau responsible for giving information in answer to protests and inquiries--is one especially created by Imperial Ordinance in time of war. When action is taken by exercise of the Imperial Ordinance power, the Ordinance is countersigned by the ministers who have responsibility in the matter (Defense Document No. 2924). The ordinances establishing the Prisoners-of-War Information Bureau, at the time of not only the Pacific war but also of the World War, are countersigned by Ministers of War and Navy, but not by the Foreign Minister (Defense Documents Nos. 2924 and 2934). It is the War Ministry which is the responsible authority.

123. The inquiries from the United States and Britain were therefore referred in the normal course by the Foreign Ministry Treaty Bureau, which managed such matters, to the War Ministry, as the ministry empowered to decide the question. The answer which came back (Exhibit No. 1958) was that we should undertake to apply the terms of the Geneva Convention "mutatis mutandis", and it was therefore so replied to the Governments inquiring (Exhibits Nos. 1469 and 1496). Although the prosecution seems to consider that by the giving of this answer Japan became bound by the Convention to the same extent as if she had ratified it, I assumed (and still assume) that we were binding ourselves only to apply the Convention so far as circumstances permitted. "Mutatis mutandis", then, I supposed to imply that in the absence of serious hindrances the Convention would be applied (Exhibit No. 3039); I assumed also (although this was only assumption on my part) that where the requirements of the Convention came into conflict with the provisions of domestic law the former would prevail. If this proved to be a mistaken assumption, neither War nor Navy Ministry ever suggested any other interpretation to me, nor does the War Ministry's reply to our request for a statement of policy suggest it. In any event, knowing the high reputation which Japan had gained by her humanitarian treatment of prisoners of war in both Russo-Japanese and World Wars, I took it for granted that those precedents would be followed (this consideration also perhaps influenced me later, when we began to receive Allied protests of mistreatment, to accord less credit to the Allied claims than might have been the case had history been different, and to go to the War Ministry direct or through my subordinates, fully confident that steps would be taken to correct abuses if any existed).

124. I should like to emphasize, also, that the Foreign Ministry received and answered the protests and inquiries regarding prisoners of war only as a channel of communication, not as the responsible agency. The answers returned were not in fact prepared in the Foreign Ministry, but were those given to us by the Prisoners-of-War Information Bureau; but the Foreign Ministry was the only place to which correspondence from foreign Governments could come, and from which answers could go--there was nowhere else that the correspondence could go.

125. Little question concerning prisoners of war arose during my first term as Foreign Minister. I recall the case of Hong Kong--when in the spring of 1942 Foreign Minister Eden

was reported to have made a speech charging the Japanese Army with atrocities after the capture of the city. At that time I said to War Minister T5j3 that special attention should be paid to treating prisoners of war kindly, and for that matter to preserving the name of the Japanese Army from disgrace. He sympathized with my viewpoint, and said that he would give due attention to the matter; and soon after I was pleased to hear that Mr. Eden had made a radio broadcast to the effect that the situation in Hong Kong had improved.

126. A more active question during my first term was that of exchange of enemy nationals. It was my idea that not only should diplomatic personnel be exchanged, in the usual way, but also that civilian internees of British and American nationality should be repatriated. This was difficult to achieve; it involving the allocation of shipping bottoms and facilities, the High Command was reluctant to agree, and only after considerable insistence on my part were the exchanges brought about, as had been testified to (Defense Document No. 2916). We succeeded thus in returning to their homes some thousands of enemy nationals, not only from Japan Proper but a well from China, Manchoukuo, French Indo-China and Thailand.

127. During my second term as Foreign Minister, toward the spring and summer of 1945, the situation of the Japanese army on the front in the Philippines, Burma, and other Southern districts deteriorated extremely. There was already a large accumulation of prisoner-of-war matters on hand when I took office; and as the Allied forces advanced in various districts of the South, protests began to be lodged concerning the treatment accorded by the Japanese Army to the prisoners of war and internees in these region. In these days, Japan itself being subject to severe air-raids, the Ministers of the neutral countries representing the interests of enemy countries had moved to Karuizawa and communication with them accordingly became very difficult. In spite of these difficulties, under my instruction, the Foreign Ministry transmitted these protests and inquiries to the competent authorities and did not fail to convey all the replies that were received from the competent authorities concerned. We often sent and received personal letters, or sent officials to Karuizawa, in addition to the exchange of official notes, thus exercising all possible efforts to meet the situation. So far as I am aware there was never any neglect by the Foreign Ministry of its duty in the matter, which was the transmitting of the protests or inquiries received from the Allied countries to the Japanese authorities concerned, and the sending to the former of the replies received. The Foreign Ministry, despite having no power over prisoners of war, repeatedly requested the authorities concerned to do their best to accord fair and generous treatment to the prisoners of war. On 3 June 1945, when the Swiss Minister handed me a protest of the United States Government concerning atrocities to American prisoners of war at Puerto Princesa on Palawan Island (Exhibit No. 2107), I personally called the special attention of War Minister Anami to the subject and urged him to accord fair and generous treatment to prisoners of war in general, to which he consented. In spite of these efforts, however, conditions had become such that provision of information satisfactory to the Allied countries was impossible. On this point, it was explained by the military authorities that, as the result of the defeat of the Japanese Army, telegraphic communication between the central military authority and the forces at the front had become very difficult and often impossible.

and that even when such communication was possible, the confusion within the Japanese forces at the front rendered investigation into the matters almost impossible. The Foreign Ministry, having neither jurisdiction nor means of investigation of those problems, could do nothing beyond conveying communications from one party to the other. I wish to add that the Foreign Ministry received no information whatever concerning the trials of Allied fliers, such as those which took place in the middle of July 1945.

128. The Foreign Ministry, under my direction, constantly attempted, despite its purely liaison function in the prisoners-of-war business, to ameliorate the condition of the prisoners. In some ways we succeeded; especially insofar as concerned Japan Proper, conditions were relatively good. We could not, of course, meddle with matters under military jurisdiction, and could only urge the military authorities to be humane; this was done repeatedly. If only from self-interest, this would have had to be the position of the Foreign Ministry; for we had some hundreds of thousands of our nationals in enemy countries for the amelioration of whose lot we were responsible, and there was a self-evident correlation between the two questions.

129. With the truth or falsity of the replies furnished by the Army (or, in a few cases, by the Navy) to inquiries from enemy countries, the Foreign Ministry had nothing to do. I, as Foreign Minister, had no personal contact with the matter of inquiries and answers, which were purely routine liaison work so far as the Foreign Ministry was concerned. But regardless of who actually managed the business, no one of the Foreign Ministry could do more than forward the answers received from the military authorities. We had neither the right nor the facilities to inspect camps, and we could have done nothing had we had reason to doubt the truth of the answers--which, in the absence of opportunity to inspect conditions, we had not.

VI.

The Suzuki Cabinet and the Ending of the War

130. My entry into and service in the Suzuki Cabinet can be said to have had only one purpose: ending the war. Before treating of my activities during this period, therefore, I shall give a brief description of my previous efforts in the direction of peace, which form the background to my efforts in this period.

131. My various efforts to bring the war to the earliest possible end were the continuation and extension into war-time of my opposition to the war before its start. These efforts therefore began at once after 8 December 1941. I have already explained fully the state of my mind at that time--that I did not share the over-optimism or the illusions of most Japanese and believed that it would be extremely difficult to overcome the fighting spirit and the industrial productivity of America and Great Britain; that I did not doubt that from the Japanese point of view the war had to be ended as quickly as possible if it were not to end in complete disaster; and that I still believed that if it became a long-drawn-out war, there would be no real victor, both sides being exhausted and the world as a whole being as impoverished, dispirited and in distress as the belligerents. On New Year's Day of 1942 I took the

opportunity of the occasion to address an instruction to the staff of the Foreign Ministry to suggest this idea, elucidating the inter-relationship between war and diplomacy, the task of diplomacy at war; I told them that, though the prevailing tendency was to neglect diplomacy--which was very short-sighted--diplomacy would only gain in importance as the war progressed. We should therefore, I said, study and make every preparation to end the war, lest we should fail to seize the chance when it did come.

132. Although it would be difficult to bring about the termination of a war which had encompassed the whole world, I thought that there was some possibility offered by the idea of a Russo-German peace, which might give a beginning to the movement toward general peace. Therefore, when I had a conversation with Soviet Ambassador Smetanin in February, I told him that the relations between our two countries were like a bright spot in a troubled stormy sky, and that I desired to enlarge and extend this spot to cover other regions with the aim of restoring peace throughout the entire world--which was an added reason for the necessity of maintaining neutrality between the U S S R and Japan. I also directed Ambassador Sato in Kuibyshev to prepare the ground for such steps in order not to miss the chance when an opportunity should present itself, concerning which he would be instructed later. My resignation from the Tōjō Cabinet prevented any development of this plan.

133. Although out of office from September 1942 to April 1945, and in no position in the government, I expressed my opinion to various persons that the war had to be ended promptly. For example, in November 1944 I happened to have a conversation with General Umezu, then Chief of the Army General Staff, to whom I said that the war should be ended, perhaps by first arranging for the termination of the Soviet-German war. (General Umezu agreed, and said that although the government had failed to do anything he would continue to work for this idea.)

134. On 8 April 1945 I received in Karuizawa, where I was then living, a request from Admiral Suzuki, the Premier-Designate, to come to Tokyo to see him. Accordingly I returned to Tokyo that evening, and called on Admiral Suzuki, who asked me to become Foreign Minister in his cabinet. My earnest desire being to bring about peace promptly, I considered that, for this purpose, it was necessary that the Premier share with me not only the desire for prompt peace but also the estimate of the war situation and its prospect. I therefore asked his view on the prospect of the war before giving him my answer to his request. However, having heard him state his estimate of the war situation, which differed from mine, although I found him sincere and earnest for prompt peace, I felt that I could hardly accept the responsibility of directing diplomacy unless we had identical opinions on the prospect of the war, and left, telling him so. I soon received earnest and serious persuasions from many quarters to enter Admiral Suzuki's Cabinet and enlighten him on the matter: Admiral Okada; Mr. Matsudaira Tsunoo and Mr. Hirota Kōki, seniors of the diplomatic service; Marquis Matsudaira Yasumasa, Private Secretary to the Lord Keeper of Privy Seal; Sakomizu Hisatsune, Chief Secretary of the Cabinet, urged me to accept the post. After another talk with Admiral Suzuki at which I reiterated my views, he agreed to them, as a result of which I accepted the appointment.

135. Upon becoming Foreign Minister, my chief concern was how to realize my long-cherished desire, prompt restoration of peace. Shortly after taking office, I received a call from our Minister to Finland, Sakaya Tadashi, who told me that some arrangement had been made between my predecessor, Mr. Shigemitsu, and the Swedish Minister, Mr. Bagge, according to which the Swedish Government would, on its own initiative, sound out the American peace terms and inform us. Minister Sakaya asked my opinion of this plan. I replied that it was the first time that I had heard anything about it, but that such services by Minister Bagge and his Government would be very much appreciated by me, inasmuch as I was eager for an early peace. I instructed him to convey to Mr. Bagge my words to that effect. Nothing came of this scheme, however, and in fact an attempt in another direction was begun soon, that of securing Soviet mediation for peace.

136. As early as 1942, as I have already stated, I had attempted to bring about world-peace, using the good relations between Japan and the U S S R as a starting point, but the situation had greatly changed since that time. On 5 April 1945--shortly before I became Foreign Minister--the Soviet Government had given notice of abrogation of the Neutrality Pact, though it had by its terms still more than a year to run. Immediately upon my assumption of office I received requests from military and other quarters to make efforts for cooperation with the U S S R, but it seemed to me that it was too late, and I therefore warned them that the possibility of Russia's having concluded an agreement with Britain and the United States for division of the spoils of the war had to be taken into consideration, and I carefully watched the world situation with a view to seizing a good opportunity for the restoration of peace.

137. Toward the end of April, the defeat of Germany became an accomplished fact, and in the beginning of May the Doenitz régime surrendered unconditionally. I considered that this surrender provided an opportunity to achieve the ending of the war, and therefore, in early May, when I reported to the Emperor on the causes of the defeat of Germany, among which air-raids were one of the major factors, I took the opportunity to add that now that air-raids on Japan were becoming severer we should promptly bring the war to an end. I advised the Premier to the same effect, and urged him to convene a meeting composed only of the principal members of the Supreme Council for the Direction of War. The reasons for this were that the ordinary meetings, in which the secretaries participated, had a tendency to be formal and adopt a strong stand, and there was also danger of leakage of secrets to the lower military ranks through such meetings. My advice was adopted and the principal members of the Supreme Council met three times in the middle of May. (General Umezu can also claim some credit for bringing about the meetings in this form). At the meeting of 14 May, after much discussion it was agreed that in view of the war situation and events abroad, Japan should realize a speedy termination of the war. As to the measures to be adopted, it was further agreed that, although an approach through the Chungking régime or negotiations through such neutrals as Switzerland or Sweden could be considered, it was clear that an approach through such countries would end in the American demand for unconditional surrender; and that therefore the only way was to request Soviet mediation, although that too might be too late in view of the world-situation.

138. The policy thus being decided, I requested Mr. Hirota to have a talk with Mr. Malik, the Soviet Ambassador, to feel out the Soviet reaction. They met several times in June, at G5ra, Hakone. These conversations, Mr. Hirota informed me, were productive of a friendly atmosphere. Meanwhile, on 6 June a meeting of the Supreme Council for Direction of the War was suddenly called, and on 8 June an Imperial Conference was held. I stated on that occasion that the international situation was so unfavorable for us, and that war-time diplomacy was to so great an extent under the influence of the war situation, that we were likely to find ourselves in a position of extremely great difficulty. The war situation continued to deteriorate.

139. On the other hand, on several occasions since April I had explained my views on the necessity of ending the war quickly to the Lord Keeper of the Privy Seal, who informed me on 15 June that it was the Emperor's wish to see an early end of the war, and said that it was necessary to request Soviet mediation to gain an honorable peace even if the price was high, lest it become too late. On 18 June, a meeting of the chief members of the Supreme Council was held, and after deliberation an agreement was reached to the effect that proper measures for ending the war should be expedited, in view of the war situation. Accordingly, I reported the developments to Mr. Hirota and urged him to speed up his conversations with the Soviet Ambassador. On the following day I reported to the Throne the measures taken regarding the U S S R and the mission entrusted to Mr. Hirota; the Emperor expressed his desire for an early ending of the war without fail, in spite of the great difficulties, to which I replied that I would exert myself to the utmost, doing everything in my power. On 22 June, the Emperor called into his presence the chief members of the Supreme Council and expressed his wish that each of us there assembled should exert his efforts toward bringing the war to an end. It was about this time that I learned that the heads of state of the United States, Great Britain and China were soon going to meet at Potsdam in a conference in which the Soviet chief also would be taking part, and I wanted the Soviet Government to be informed of the Emperor's wish for an early peace before such a conference should take place. I sent instructions therefore to Ambassador Satō to convey the Emperor's wish to the Government of the U S S R (Exhibit No. 2696). Our intention to dispatch a special mission was also communicated to Moscow. The Soviet reaction, however, was not favorable.

140. On 26 July the Potsdam Declaration was issued by President Truman, Prime Minister Churchill and Generalissimo Chiang. At a meeting of the Supreme Council of the following day, I pointed out that the Declaration offered in effect a peace on terms, and that serious consequences would follow if we rejected it. It was therefore agreed that we should wait and learn the Soviet reaction to the proposal for mediation. At the Cabinet meeting that afternoon the same explanation was given, and it was agreed that the Declaration should be passed without comment and the press be guided not to play it up, in order to guard against unfavorable public reaction to it. The press unfortunately reported the Premier's statement that the Government had decided to "ignore" the Declaration, which was interpreted in the United States and elsewhere as a rejection and was used by President Truman as justification for the use of the atomic bombs and by the U S S R as reason for entering the war against Japan.

141. On 6 August the atomic bomb destroyed Hiroshima, and warning was served that the United States would drop the bombs until Japan was annihilated if she persisted in her rejection of the Potsdam Declaration. I instructed Ambassador Satō to press for an interview with Foreign Minister Molotov, at least to clarify the situation. The request by the Ambassador was not acceded to by the Soviet Government, and although Mr. Molotov returned to Moscow on 5 August, it was not until the 8th that Ambassador Satō was notified that Mr. Molotov would receive him at 5 P.M. of that day (Exhibit No. 2705). After that we received no communication from our Ambassador; but in the morning of the 9th I received from the radio-room of the Foreign Ministry an urgent report that it had been broadcast from Moscow that Mr. Molotov had handed to Ambassador Satō a declaration of war against Japan. Hostilities were also reported from Manchoukuo to have commenced at midnight preceding. At 11:15 A.M. of the 10th I received Soviet Ambassador Malik at his request and received from him the first formal communication from his Government notifying the declaration of war against Japan. Having mentioned to him the Soviet commencement of war when the Neutrality Pact was still in force, and when the Soviet Government had not yet replied to Japan's request for mediation between Japan and the Allied Powers, I asked him to transmit to his Government our reply relative to the Potsdam Declaration.

142. The situation having thus become very serious, a meeting of the Supreme Council was held at 11 o'clock that morning. All members recognized the difficulty of continuing the war, after the use of the atomic bomb and the Soviet entry into the war, and no one in the Council expressed objection to acceptance in principle of the Potsdam Declaration. Various opinions, however, were expressed regarding the conditions upon which it was to be accepted; all agreed that the preservation of the fundamental structure of the state should be made a condition, but the Army and Navy High Commands and the War Minister wished to add three more conditions: a) that the Allied forces would refrain so far as possible from occupying the mainland of Japan, and that if occupation was unavoidable it would be on a small scale and would exclude Tokyo; b) that the disarming of the Japanese forces should be done voluntarily by the Japanese themselves; c) that the punishment of war-criminals should be entrusted to the Japanese themselves. No agreement could be reached, and the meeting was adjourned; a Cabinet meeting in the afternoon was no more able to agree, though most of its members agreed with me that the condition for accepting the Potsdam Declaration should be limited to the absolutely necessary one of preserving the fundamental structure of the state. The matter was discussed that night when the Supreme Council and the President of the Privy Council met in the presence of the Emperor, at his command. I repeated my previous statement and strongly urged the acceptance of the Potsdam Declaration without any condition excepting that of the preservation of the fundamental structure of the state, but there were various opinions demanding other conditions and insisting on their necessity. Finally the Emperor expressed accord with my views and the wish that the Potsdam Declaration be accepted to relieve the sufferings of mankind and to save the country from ruin. The decision having been given, a Cabinet meeting was held thereupon at 3 A.M., and our answer was unanimously approved by the Cabinet. Accordingly I ordered the Minister in Switzerland to transmit it to the United States and China through the Swiss Government, and the Minister in Sweden to transmit it to the U S S R and Great Britain through the Swedish Government (Exhibit No. 3).

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143. Trouble arose again, however, when the contents of the reply from the four Governments to the Japanese Government became known to us. I learned of it for the first time from the Foreign Ministry radio-room, and finding the phraseology somewhat unclear, instructed the officials of the Ministry to study the text. They reached the conclusion, after studying it carefully, that it could be interpreted as being generally in conformity with our understanding that the Potsdam Declaration did not imply a requirement of a change in the fundamental structure of the state, and that we should accept the Potsdam Declaration without proposing any further conditions, unless we were prepared to face and resolved to accept the breakdown and collapse of our peace efforts. Meetings of the Cabinet and the Supreme Council were held to consider this reply of the four Governments. Stating my views in these meetings, I strongly advised the acceptance of the Declaration with no further representations; but there was strong opposition by the group led by the Minister of War, insisting that the reply was unsatisfactory and unacceptable, and that further negotiations should be attempted. In these circumstances a conference was again called in the presence of the Emperor in the morning of the 14th. Again the conference could not reach a decision. At last the Emperor himself stated that we must accept the Declaration, that the polity and the existence of the Japanese nation should be preserved and the sufferings and hardships of mankind be alleviated. At 1 P.M. a cabinet meeting was held, and subsequently the Imperial Rescript accepting the Potsdam Declaration was promulgated. The acceptance was communicated to the Allied Powers through the Swiss Government in the morning of the 15th.

144. The grave decision to end the war having been made, Premier Suzuki called a meeting of the Cabinet on the 15th, at which he proposed the resignation en bloc of the Cabinet for the reason that he had much troubled the Emperor by having to request his decision, and that someone else should replace him. All agreed, and the resignations were submitted to the Emperor. On the following day Prince Higashikuni called me and requested me to remain as Foreign Minister in the Cabinet which he was forming, but I refrained from accepting it on the ground that the reason for Admiral Suzuki's resignation applied equally to me.

145. As I have testified above, I had striven throughout my career to see Japan maintain friendly and peaceful relations with the world, and had exerted every possible effort in the last critical months to improve relations with the United States, Britain, China and the other powers and to avert the Pacific war. At last I was driven into a position where, as I saw it, conditions no longer permitted me to oppose war, and I failed. But from the day of the outbreak of the war I devoted myself with special care to bringing about as speedily as possible the end of the war; and after becoming Foreign Minister in April 1945 I worked actively toward that end at the risk of my life, resisting all stubborn opposition of various circles until at last the decision for terminating the war by acceptance of the Potsdam Declaration was reached on 14 August 1945. It is the great sorrow of my life that I was not successful in preventing war in 1941, but it is a matter of some consolation for me that I was able by my efforts to contribute to lessening the suffering of mankind by ending it in 1945.

O A T H

In accordance with my conscience I swear to tell the whole truth, withholding nothing and adding nothing.

Tōgō Shigenori (seal)

On this 12th day of December, 1947

At Tokyo

Deponent: Tōgō Shigenori

I, Nishi Haruhiko, hereby certify that the above statement was sworn to by the deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date

At Tokyo

Witness: Nishi Haruhiko. (seal)

Translation Certificate

I, Nishi Haruhiko, of the defense, hereby certify that I am conversant with the English and Japanese languages, and that the foregoing is, to the best of my knowledge and belief, a correct translation of the original document.

Nishi Haruhiko (seal)

Tokyo
12 December 1947

極東國際軍事裁判所

亞米利加合衆國其他

對

荒木貞夫 其他

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第一章

一般

一 余は一九一二年外交官領事官試験に合格し、同年十一月外務省に入り
爾後三十三年間即ち一九四五年八月十七日外務大臣の職を辭するに至
る迄

二年九月一日より一九四五年四月九日に至る間を除き一引續き外務省
に在職した。其の間余は國內及び國外に在りて、外交官として種々の
地位を歴任し、又政府官吏としての昇進敍勳其の他の榮譽を受けた。
但し余は嘗て軍事的官職に就いたことは無く、又軍事的又は軍國主的
な団体又は黨派と關係を持つたことは全く無い。余は政黨又は政治團
体に加はつたことはなく、又一九四二年九月一日以後貴族院議員の職
に在つたのを除いては、余は政治的地位についたことは無い。この
貴族院議員就任は閣僚其の他の高官が引退したとき屢々與えられた榮
耀であつた。(余は眞實政治會の一員となつたことはあるが、同會は「
政黨」と云へるかも知れない、然し余は同會に於て何等の活動をした
ことなく、同會には殆ど關心がなかつたから何時余が入會し、又余が
同會の解散迄之に藉があつたか否かも知らず又顧問其他の地位を與へ
られたか否かも知らない。)余の任務は外交であつた。外交官として

の余の目的は我國の利益を増進すると共に世界の進運に貢獻すること
に在つたか、余はこの目的は相手の立場を理解すること、實際間の友
好關係を進展すること並びに平和維持に努力すること等に依つてこそ
達成されるものであるとの信念を固持して居た。

二余の經歷は、法廷證第一二七號内閣官房人事課記録及びこれを補元せ
る、勅諭文書第一二八〇、一二八一及二八六號の示す所の如くであ
るが、以後適時にこれを詳細に述ぶることがあるだらう。余の外務大
臣辭任に至る迄の外務省官吏としての經歷は殆ど全く歐米關係、特に
歐州關係に終始した。余の最初の任地は普天の總領事館であつたが、
これは三年足らずの間で、其の後には亞細亞の諸外國に在勤する機曾は
無かつた。第一次歐州戰爭中東西に在勤を命ぜられ、休戦後を巴里講
和條約成立後、引渡さば柏林日本大使館書記官として勤勞したる後、本
省に歸り、華僑及び恢復諸國の主管課たる歐米局第一課長を勤めた。
（法廷證第一二七號）且の後一九二五年十二月在華盛頓日本大使館主
席書記官に任命せられ一九二九年五月迄同地に勤勞し、次いで一九二
九年六月在獨逸國大使館參事官に任ぜられ一九三二年末迄同大使館に勤勞したが、この同二
度壽府に派遣せられた。（勅諭文書第一二八〇號）右壽府派遣の第一回は、一九三〇年九月、余

が、國際聯盟第十一回總會 帝國代表隨員を命ぜられた時であるが、
この時余は伯林を離るゝこと僅か二十二日、壽府滞在約十日に過ぎな
かつた。次いで一九三一年十二月余は壽府一般軍需會譯帝國全權部の
事務部長を命ぜられ、一九三二年二月より八月迄と十一月に壽府に在
つた。

三、茲に余は被告側の證據或ひは主張に依り生じた若干の誤解を訂正せんとするものである。被告側は余が松岡と時を同じうして壽府に在つたことよりして「滿洲事變當時東郷は松岡と共に國際聯盟における代表部に於て侵略を締護し、屢々憂切られたる保障を與うることを其の務とした」(一九四七年一月三十一日記録第一六九三頁)と論じて居る然るに一九三一年九月滿洲事變の當時余は壽府にあらざして任地伯林に居たのである。被告側の石主張は滿洲事變勃發の翌年即ち一九三二年に在つたものである。余は一戒軍縮會議帝國全權部事務總長として壽府に在つたもので當時壽府に在つた二つの日本全權部即ち松岡氏が首席全權たりし國際聯盟臨時總會に對する代表部と、余が事務總長たりし軍縮會議全權部の事務は全然別個であつたことを指摘せざるを得ない。この二に就いては既に證據を提出したが「締護側文書二七四〇號」なお茲に日本の前全權部に於ては其の事務のみならず人員をも混淆せしめないという提案を提出したのは余自身でありこの提案が松平首席全權等に依り採られ出來得る限り實行せられたことを強調する固より若干の人員の重複は避け得られなかつたが少くとも余自身は滿洲問題を扱つた臨時總會に對する代表部の事務には全く參與しなかつた。余が「松岡と一語に一居た」という點に就いては事實問題として、

閣當時に至り成立を見たものであることは既に稟奏側も述べた通り（一九四六年六月十四日記録第六八一頁）であつて一九四一年には余は最高戦争指導會議の一員でもあり得ない。

三

本法廷に於て、余が種々の恩賞及び勳章を授けられたことが指摘され

其或ものに就ては余の過去の暗影を示すものなりとされて居る。

この點に就ては既に提出された證據（辯護文書第二七四四及二七五五號）が概ねこれを明かにして居ると思ひから、余はこゝに簡単に述ぶるに止める。

「一九三一年及至四年の勳功」に依り余に授けられた勳章は滿洲事變に關するものなりとされて居る。（檢察文書〇〇〇一號）然しながら余の經歷より明かなる如く、余は滿洲事變には何等の關係なく、又余が同事變に關係ありとの證據も存しない。事變勃發の當時余は柏林に在り、其の後滿洲事變とは直接の關係なき歐米局長の地位に在つた。而して當時は滿洲事變と同時に發生せる諸事件に付ても、滿洲事變と同様の取扱をなして行賞することが認められたので、余に對する右敘勳は滿洲事變以外の理由に依るものと思考せらるゝのであるが、尙若し滿洲事變に關するものであるとすれば、それは既に證言された如く（法廷證第三一四七號、記録第二八〇三六頁—四十五万二千八百二十六名の敘勳者中の一人としてのことである。防共協定締結の勳功に依る敘勳は、同協定の交渉事務を主管した局長として余に授けられたものである。日本に於ける慣例として斯かる場合關係事務を擔當した者は、其の個人的意見の如何、又は事實に於て果たした役割の大小如何に拘らず敘勳せらるゝを常と

する。本件敘勳の意義に就ては、後に證言する如く余は同協定に熱意を有しなかつたに拘らず同協定締結に當り右の理由で敘勳されたに過ぎぬのである。

「支那事變に關する勳功」(一九四七年一月三十一日記録第一六九四四頁)に就ても是亦同事變中に發生せる他の諸事件により敘勳せられたものであり得ることは前に説明せる通りである。又復りに支那事變に關するものなりとしても、法廷證第三一四七號記録第二八〇二六頁に示された如く、三百三十一万九千五百四十七人の人が敘勳を受けて居ることを茲に指摘するものである。又余の敘勳は「日本最高の」ものであるとされて居るが、日本がこれ以上の勳章を有することは餘りにも明白で、余に授けられたものは日本の賞勳体系より見て當時普通に余に與えらるべきものであつたに過ぎないのである。

六 重要問題に就ての證言に入る前に余は「策研究會の問題をかたづけて置き度い、即ち余が同會の一員であつたことを以て(法廷證第六八三號)余が世界侵略の計畫を抱懷して居たものと爲されて居る。

同會の性質に就ては既に證言に依り充分明にされたと思ふ(法廷證第六七八號及辯護文書第二七四七號)余は同會の會費を拂つたこともなく會合に出席したこともなく(新年の儀禮等は別とし)役員又は委員となつたことなく(就任を求められたことはあるが)同會が何をして居りどん

な計畫を持つて居るか全く知らなかつた、余は友人から入會を求められて之を諾したのであるが、それは公職にある人が屢々内容もよく知らない團體に名を連ねる例に洩れない、外務省が同會に爲した寄附に就ては余は何等聞知しない。若し外務省が寄附をしたのであるとしても事務上の常として次官に於て處理されたことであつて余は之に曉知して居ない

第二章 蘇聯邦關係

七 日蘇關係は日本にとり過去數十年間支那問題に次ぎ最も重要な問題であつたが、余は外交官としての生涯の渺らざる部分を其の爲に捧げることになつた。余は一九二三年より二五年迄歐米局第一課長として蘇聯問題を主管したが歐米局（後に歐亞局）長として一九三三年より三七年に至る間に於ても蘇聯問題は余の主管事項中最も重大なる問題であつた。八 欧米局第一課長として余は日蘇問題の解決を直接の所管事項として取扱つたのであるが、其の間にソヴェート革命及日本が米英佛と共同して爲した出兵により發生し多年懸案となつて居た多難問題の解決を招來した。即ち余は蘇聯邦政府のポーツマス條約承認、帝制時代の債務の繼承共產主義宣傳の禁止等の問題處理の爲に、努力を傾けたのであるが其の結果は日蘇基本條約の締結となつたのである。本條約は一九二五年北京に於て調印せられたが、本條約に因り日本は蘇聯邦政府を承認して日蘇間の正常關係を再開したのである。

余の歐米局長發令は二月一日付であるが、余は歸省其の他家事整理の爲相當の日子を費したる爲、實際に仕事を引いたのは三月に入つてからである。余は歐事側に依り日本の國際聯盟脱退の決定に参與したものと爲されて居るが、余が一九三三年三月局長の任に就いた頃には大勢は決つて居たので、此の最高政策の決定には余は事實に於て何ら關與する所はなかつた。(辯護文書ニ七四一號)又余が局長たりし歐米局は聯盟問題の主管局ではなかつた。(但し余個人としては幕府に於て聯盟脱退の閣議が協議されて居た頃脱退の如きは日本として採るべきではないとの見解を述べたことがある。)

(辯護文書第二七四一號)日本が正式に聯盟を脱退したのは一九三三年三月二十七日であるが脱退そのものは二月末松岡代表以下日本代表が聯盟總會を退場した際には既に事實上決定して居たのである。右脱退の後一九三三年四月余は内閣外務の命により「國際聯盟脱退後に於ける帝國の外交方針」なる意見書を提出したが(辯護文書第一四六號)此の意見書は米國及主要歐洲諸國と日本との關係を論じてゐるにも拘らずその三分の一以上を蘇聯邦に對して居ることば日蘇關係の重要性を示すものにて他ならぬ。右時期以後余は本意見書に述べた外交方針を實現するの爲全力を傾けたのであるが、帝國外交の中蘇聯關係以外の他の重要部門である支那關係及英米關係に就ては前者の紛糾より後者も惡化し太平洋戦争

直前に至る時期迄余は直接之に關係したことは殆どなく、此等の問題に就て前記外交方針實現の爲充分働く地位にはなかつた。但し蘇聯關係事項につきは余は一九三三年以後に於ても相當長期に亘り之を處理する機會があつたので右意見書に述べた余の方策に付其後逐次其の實現を見るを得たのである。此等對蘇主要方策は余の關心と研究の結果であつて不侵略條約の締結、東支鐵道に關する蘇聯邦の權益の買収及蘇滿國境間の三點にあつた。

一〇余の欧米局長就任後蘇聯關係の第一の仕事は蘇聯が日本政府に對し、
た由出に就き東支の道に對する蘇聯の情態を滿洲國に於て實收し蘇聯及
日韓間の永きに亘つての學問を際くことにあつた。北支交渉は甚だ困難
且煩雜であつて二年近くの間余は大部分の時間をそれに費さなければな
らなかつた。當初蘇聯邦の情態の評價に如何に意見の扞牾が大であつた
か、滿洲國內の對事件の如何に交渉が困難を感めたか、本件交渉の成
立が日本にとりても有利であると云ふことに付て意見を説得するに骨が
折れたか等に就いては既に他の証人に依り證言された通りであるから一
法廷証書三二三、三四號、蘇聯文書第二七五三號一茲には一切省略する。兎に月
本件交渉に於ては日本政府は滿洲に於ける獨權を除去し主權を尊嚴化す
るを蘇聯政府の仲介を求め交渉の圓滑化に努力したのであるが、主
局及局長たりし余は双方をして其各々の原案より譲歩せしめるを専心し
たのである。蘇聯側は東支鐵道買收の件を以て滿洲國に於ける日本の地
位を強化し滿洲國に於ける日本以外の國の權益を侵害せんとする意圖の下
に行はれたりとして居る。然し乍ら此の議論は本件が先づ蘇聯側から
提起せられた關係三三三が本件を以て東支の平和に貢獻するものなりと當初
から確信したと云ふ事實一法廷証書三二五、一三號一を見送して居る。又日

本が代生支那の保証を要したと云ふことも蘇聯政府が滿洲國の財政に充分信を置き兼ねるが故に特に日本政府に要求した結果であつたのである。此に對べた如く本件交渉を成立せしむることは内田外相に提出した意見書に記載せる通り永きに亘る余の希望であつた。

一、滿洲に對べられた顧問に於ける新術が行はれて居る間外務省の職務の改革があつて歐米局が二分せられ其の一方は新設の亞太利加局と亞細亞局とに分掌せられることとなり、亞細亞局は歐洲諸國並ひに支那還歸等を扱う。亞細亞大臣を主宰することとなつた。余の興味と専門は極東の亞細亞問題であつたから之を繼承した亞細亞局長となつた。以下余が局長と云ふ場合は多く亞細亞局長の意である。

一二 東支鐵道問題が解決するや余は滿洲問題の解決に勢力を向けた。余の以來局長就任前日本側の提議により日蘇兩政府間に紛争防止の爲の混合委員會（日蘇條約）設置問題の研究に付合意が成立して居た。然し乍ら蘇聯政府は東支鐵道問題解決の時即ち一九三五年五月に至る迄は此の問題に付具體的交渉に入るに至らなかつた。滿洲國建國以來國境紛争は頻りにあつたが東支鐵道に於ける交渉進行中は双方の感情も良好であり紛争事件の數も減少して居た。されば余は東支鐵道員收交渉の成立を以

て日清紛争勃発の度に其の解決の爲に不愉快な勢力を遣ける事なす能を
なくする爲に聯合委員會を設けて日清紛争の防止並に解決に當らしむること
とするやう交渉を開始すべき好時機なりと認められた。依て各方面と打合
はせた上一九三五年夏頃より委員會設置に於ける交渉を開始することと
した。然るに滿洲國政府及南京軍は紛争解決委員會の設置よりは先づ日
清紛争解決委員會を設くべきなりと主張したが幣局意見の鞏立を見るに至り
遂に交渉は中絶の止むなきに至つた。斯くて一九三八年余が大使として蘇
聯に赴任した時も日清紛争解決委員會と共未だ設置の運びに至つて居らず一九三
九年余がモロトフ外務人民委員の間に改題したノモンハン地帯紛争の防
止並に日清紛争防止並に日蒙協定の
勢力の膨張として得られた唯一のものであつた。

一三 一九三七年夏蘇聯兵が黒龍江河中の乾岔子島に上陸し之を占領した爲、日蘇關係は大なる危険を孕んだ。關東軍は滿洲國領と信ずる地點を武力を以て守ることに依り事件を解決する適當なりとし即時現地に派兵することを主張した。此に對し余は先づ交渉によつて解決を計ることを強く主張し結局本事件は大規模の衝突に至ることなく交渉により解決を見たのである。本事件は余が局長として扱つた日蘇關係重要問題の最後のものであつた。一九三六年三月、廣田首相（外相兼攝）は、駐蘇大使に余を任命したいとの意向を洩らした。余は長く蘇聯邦問題を管掌し蘇聯問題は余の甚だ興味を有する所であつたから余は此れを欣快としたのである。然し廣田氏が兼任外相の任を解いて有田氏が外務大臣となつた後、駐蘇大使には他の任命を見ることがなつたので、余は一九三七年十月駐獨大使に任命せらるゝことゝなつた。後に廣田氏は余に對し余を駐蘇大使に任命することを適當と考へたが、人縁の都合上致し方なく他の任命をすることにしたのだと語つたことを記憶する。

一四 一九三八年十月十五日駐獨大使たりし余は駐蘇大使に任ぜられ同月二十九日任地莫斯科に到着した。當時日蘇間には例年の漁業條約問題を

が差迫つて居た。一九三六年以來防共協定締結の結果新漁業條約の締結の交渉は挫折し、毎年漁業問題に關する取極めを爲す必要があり、其爲毎年厄介を伴つた。一九三八年十月末余が大使として莫斯科に到着した時には特に事態は切迫して居た。即ち從來日本が長期契約により經營して居た漁區の約半分、而も甚だ重要な多數漁區が短期とならうとして居る上に、蘇聯邦政府は日本政府の希望する如く例年の協定を締結せんとする意圖を示さなかつたのである。事態の解決の爲には忍耐と長い交渉を要し何等の協定なき中に年が明けるといふ事態に立至り、兩國間の國交斷絶さへ憂へられたのであつた。然し努力の結果一九三九年四月に入り漸く協定の締結を見るに至り、更に其の結果爾後の毎年の暫定協定の交渉は容易となつた。即ち一九四〇年の協定に就ては、一九三九年ノモンハン事件解決の後を受けて十一月半ばに交渉を開始し十二月三十一日最後の徹宵會談の結果一月一日午前八時に合意に達して文書にイニシアルすることを得た。一九四〇年の元旦にはモロトフ委員と余は各の下僚と共にクレムリンに於て最も友好的雰囲気の中に乾杯したのである。

一五 一九三九年五月勃發せるノモンハン事件に關し余は蘇聯邦に對して
 共同謀議せる廉を以て訴追されて居る。然し余は事變勃發の當時は莫
 斯科に在り、事件の發生したる事は蘇聯側の抗議及外務本省よりの電
 報により初めて承知した次第である。本件其の他蘇聯邦に對する共同
 謀議なりとする事項に付余は何人とも協議せしことなく、從て起訴狀
 に於て共同謀議者なりとされて居る人々と此等の問題に付協議したこ
 とは全くない。ノモンハン事件解決の爲の交渉の詳細は太田三郎證人
 が證言した通りであるから一法廷證第二六五九號一茲に此を繰返すこ
 とは避けるであらう。唯一言茲に附加するにモロトフ委員並に余の間
 に取極め一法廷證第七六七號一が成立した際に余を以て蘇聯邦に對する
 侵略戦争に付共同謀議を爲せりと難じ、或は余の立場乃至行爲を以て
 二國間に起せし問題の處理に當る外交官の立場乃至行爲以外のものな
 りと爲すが如き者は蘇聯邦側に於ても全く存しなかつたのみならず我
 々が協定に達した時にモロトフ外務委員は右協定は兩國の關係を好轉
 せしむる基礎なりとの趣旨を述べたのである。ノモンハン事件解決の
 結果一九三三年の余の對蘇政策中の一點たる蘇、蒙國境劃定と云
 ふ問題の一部が實現したか此點は太田證人に依り證言されたから茲に
 は觸れない。

一六

兩國關係の此の段階に臨んで余は余の素志たる不侵略條約の交渉を取上げることが時宜に適せるものと考へた。余の動機は斯る條約の締結に依り日蘇關係改善に資せんとしたことに他ならなかつた。余は日本政府に勧奨して南方進出を企圖せしめる責りは毛頭なかつた。蓋し南方進出の結果は英、蘭との對立を招來すること明かなるのみならず米とも衝突を來たす虞れが多いので余は所謂南進論にはいつも反對し來つたのである。故に余に對する詆追事項中に「南方進出を便ならしめた爲に北方の敵と友誼を通ずる」と云ふが如き意圖を念頭に置いた事は更になかつた。

不侵略條約の締結を企圖せる余の動機は一九三三年内田外相へ提出せる余の意見書に明にして居る通りである（尙一九三一年十二月連署案の不侵略條約並に一九三三年一月時期尙早として日本が之を拒否した件（法廷證第七四四一七號）に就ては余の獨逸よりの傾向は一九三三年一月二十八日局長就任は同三月で余は之と關係がない）一九三九年に於ても不可侵略條約締結の交渉開始は簡單ではなかつた余は屢に立證せられた通り再三東京に對し電報を以て或は又館員を派し説得の結果、漸くにして日本政府より正式の界限を得て此の交渉を開始した。その結果余はモロトフ外務委

員との間に中立條約の締結に付大体の合意に達し其れは草案の形に
 呈へられ唯同時に北緯太利權の一部解消に關する蔭聯の希望のみに
 依て未完了となつて居た處が一九四〇年十月余は交渉不完了の儘突
 如歸朝することとなつたのである。即ち余は松岡外相より歸朝命令
 を受け同時に中立條約に關する交渉も中止する機轉に命せられた。
 其後一九四一年四月に至り日蔭中立條約の締結を見るに至つたが之
 に依り一九三三年余が日蔭關係調整の爲の三基本と爲した所の實現
 を見た譯である。而も此中立條約の内容はモロトフ外務委員と余と
 の間に協議済みの協定案と殆んど同一のものであつた（法廷證第四
 五號及辯護文書第二九一八號）

一七 檢事御は松岡外務大臣が所謂彼の外交官の肅正を斷行して彼の組織
 輔政策に十分熱意を示さないと見做された全大公使の召喚罷免を行
 つた際余が莫斯科に於ける地位に留まり何等不安を感じずる所がなかつた
 と云ふことは多くの重要姓を置くものの如くである。（一九四六
 年九月二十四日記録第六二七〇頁、一九四七年一月三十一日記録第
 一六九四三頁）これが事實に反し人事記録の不備に基く誤りである
 と云ふことは法廷に於て余の辯護人の主張した處であり（一九四六
 年九月二十五日記録第六三六四頁、檢事は此の際調査報告を約した

又辯證文書第一二八〇號に依て證明されて居る。そして其の證據に依り余が一九四〇年八月二十九日歸朝を命ぜられ、事實又十一月五日に東京に歸着したことが分るのである。余は茲に其後の事態を明らかにすることを適當と認める。余が歸京するや松岡外務大臣は余の辭任を求むる旨を述べ其の後も再三に亘つて個人的に或は外務次官、人事課長を派して同一の申出を爲したが余は頑として辭職を肯しなかつた。余は同外相に對し自己の政策に反對なりとか自己に疎隔せりとかのみの理由を以て辭任を要求するは不當なるのみならず又多數總達の外交官を一時に罷免するが如きは其結果重大なりと述べ余の辭職を求めらるる度に貴官が進んで余を外務省より罷免するの手續を執らるるには余に於て何等異存なし。但し余より進んで辭表を提出すれば余が貴官の遣方を承認せることになるのであるから余は辭表を出す譯には行かぬ旨を答へ申出を拒絶したのである。松岡氏はそれ以上の手段を執らうとしなかつたが、余の後繼者として建川將軍が莫斯科に赴任し（辯證文書第一二八一號）余は單に名義上大使の地位に在り、其の間實際は退職者の生活をして居たので歸朝後の一年即ち一九四一年十月外務大臣就任迄には外務省の實際の仕事には何の關係をも持たなかつた。又其の間に於ける外交の動きに付ても

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何等の通報を受くることなく従て具体的には何等知る事は出来なかつた。

第三章 獨逸關係

一八 余は二等書記官、參事官及び大使として三度在獨日本大使館に勤務したが獨逸關係事務の専門家ではなかつた。余が初めて獨逸に入國したのは一九一九年四月戰后に於ける同國の情勢に付調査し獨逸の講和條約に關する意圖を報告する爲同國に派遣せられた際であつたが、余が獨逸より受けた第一印象は戰爭の恐怖と悲慘とであつた。余の對獨政策の根本は内田外相に提出した意見書に記載せる通りで積極的協力を旨とするものでなかつた。尚ナチスが政權を獲得した後に於ても余は其の獨裁主義的且金體主義的政治に反感を抱懷したばかりでなく、又其の國力に就いても余は相當の年月を獨逸に過して其の實情を知悉して居た爲世上の「ナチス」に對する實詳に對しても批判的意見を以て迎えて居た。

一九 其の後余が本省に歸り初めて獨逸關係に於て處理した事項は防共協定であり當時余は外務省歐亞局長の職に在つた。歐事備は余が防共協定と「密接な關係」があつたと主張する。余は本件が外務省に扱はれて以來其の交渉事務を處理するの任に當つた部局長であつたから、本件と密接な關係を持つて居たことは當然である。然し余が有した本協定との關係の性質及び程度につき真相を整理する爲には若干の説明を要する。

二〇 防共協定問題につき外務省が初めて通知したのは一九三六年二月初頃井上在柏林代理大使の報告に始まるものである。即ち石報告は獨逸側と我が大使館附武官との間に前年より日獨に防共同盟條約締結のため柏林に於て話合が進められて居たと云うことを傳へて來たのである（法廷證第四七

七號及び四七八號一余は直ちに陸軍省及び參謀本部係官に事情を究明した。伯林より歸朝後の若松中佐が所謂伯林に於ける交渉の詳細に非る一般的事情に對する印象を通報し來つたのは其の後暫らく經過した後であつた。

二、外務省に於ては本問題につき検討を加えつゝあつたが同年四月初有田氏が支那より歸朝して外務大臣に就任した。當時駐獨武官小路大使は勅諭歸朝の爲東京に在つたが有田外務大臣は彼との會談に於て、獨逸と協定の政治的協定を作ることか必要と思はれるから伯林に歸任の上は本件を研究すべき旨語り、同意旨の正式の訓令が彼の歸任當時送られた。武者小路大使が伯林に歸任した後基本協定には防共協定ではあるが多くの承認し難き諸點を含んだ獨逸側の協定提案を報告して來た。余はナチスのイデオロギイの基礎に立つ協定に不賛成であつて其のことは當時有田大臣に説いた。然し余は當時一局長の地位に在つたに過ぎぬから政策を決定する力を有せず局長として自己の意見を陳述するは當然の職務であるが結局は政府主眼の決定に従つて之を實施するほかなかつた。然しながら其の際余は獨逸側より提議せられたる協定案を出來るだけ弱めることの望ましきことを余の上司のみならず軍部に對し説得するに努めた。誤言すれば余は協定が國策として日本の要求と決定せられたもの、最低限度に嚴に制限せらるべきであり特に協定の内容に就いては對英米關係のみならず不必要に對蘇關係をも毀損せざるか如きものとすべきことを主張した。この勢力に於て余は相當の成功を博したのである。即ち法廷第三二六七號として提出せられ

た本問題に就する方針は歐亞局に於て起草したものであるがこれには余の意圖が相當織り込まれて居て前述の修正の點も看取するに難くないだらうと思ふ

二、獨逸政府より我方が受領した協定草案に對する余の主なる修正理由の一つはそれに浸透して居た宣傳的色彩に對してであつた。殊に前文は當初ナチス直言の如く書かれて居たが歐亞局に於ては草案に入さの修正を加えた。其の修正は日本軍當局及び獨逸側よりも同意を得、それが最終案の形を取ることゝなつたのである。法廷證第三六號一其の本文に於ても兩國間の協力を第三インターナショナルの破壊的活動並びにそれに対する對抗手段に關する情報の交換の程度に限定することゝしたのであつた。又協定の期限も十年より五年に縮減せられた。余は又舊條約の外務大臣及び他の高官の會合に關する協定を削除し、本協定を著しく事務的のものとすることに成功した。

二、殊に協定附屬の秘密取極（法廷證第四八〇號一）に就ては余は嚴密に防禦的注意を有せしむべきことを強調し其の趣旨を以てする修正を固執した。秘密協定第一條は初め締約國の一が蘇連に依る「脅威又は攻撃の請求となれる場合」と規定して居たが、これは余の主張に依り不正攻撃の場合に限らるべきこととし「締約國の一が挑発に因らざる攻撃を受け又は受けんとする虞ある場合」と修正されたのである。第二條に於ては又余は蘇聯との政治的協定締結に關する例外規定を挿入したがこれは原草案の規定する場合

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合に比し、日本は對蘇關係に於て遙かに大なる自由を確保したのであつた
(法廷證第四八〇號)

二四、余には斯かる關係の結成が日本の將來につき危險に思はれたにも拘らず、日本は其の國策として獨逸と防共協定に入ることを決したので、余は民主的諸國家特に英國と緊密なる關係を維持するに努め、我が外交政策を合理的な、且平衡のとれた基礎に置くことの重要なことを感じたのである。これは余の内田伯へ提出せる意見書中、對英政策に重きを置いて居ることよりして當然推論せらるべきことであるが前記法廷證第三二六七號末段は右事實を一九三六年七月の事態の下に於て更に明瞭にすると思う。即ち同月外務省と陸軍主腦部との間に會議が開かれた際余は本件處理の方針を提示した。防共協定に對する修正案は結局陸軍側の同意を得たが更に又余は英國との相互協力の協定交渉をも直ちに開始すべしと主張したのであるが、寺内陸軍大臣より、大なる不満が余に加えられた。余は右陸相の意見に強硬たる反駁を加えた後漸く、對英接近を目指す交渉開始の企圖に對し、彼の同意を得たのである。余の意圖を協力協定の形をとつたものに纏め上げたものが其時の覺書として殘つて居る（法廷證第三二六七號）然し英國との交渉は、之に關聯する支那關係事項の準備に暇取り居る中に廣田内閣の桂冠を見るに至つたが、其の後余は英國と一層緊密な關係を樹立するため交渉を開始するを必要なりとし、外務省内に於ける意見の取纏め及び軍當局の説得に努力した。

其間に近衛第一次内閣の出現を見るに至つたので予は廣田外相に對し本件交渉開始準備の爲余の大使任命を二、三ヶ月遅らすことを申出て其の同意を得たる上、關係省の議を取纏めることに盡力し、漸く之に成功した。斯くして在任中日本大使に交渉を開始すべき旨の訓令が發せられたが、この交渉が將に開始せられんとするに當つて、一九三七年七月支那事變が勃發した爲、本件は無期延期となつたのである。續いて余は同年十月に駐獨大使に任せられ東京を離れた爲、日英關係の緊密化を計らんとする余の計畫を斷念せざるを得なかつた。

二五、檢事側は防共協定の議せられた樞密院の委員會及び本會議えの余の出席を重視せんとする意向の如きである。樞密院に對する本件處理の事務的任務は、條約局並びに歐亞局との共管であつたが、此の際の説明は凡て條約局長が之に當り余は何等の説明も行はなかつた。言うまでもなく斯る場合に於て局長は如何なる場合にも討議には參加せず亦票決や決定にも加はるを得なかつた。事實上記録の示す通り、この樞密院本會議に對する防共協定の説明には總理大臣及び外務大臣が當つて居り、本件に關する樞密院委員會及び本會議に於ては余は全然説明を行はず、何の發言もしなかつた。

二六、一九三六年十一月防共協定が日獨間に締結せられた。伊太利は原約國ではなかつたが一九三七年十一月に至り之に參加することゝなつ

た。が伊太利は祕密協定には加はつて居ない。檢事側は余を「日伊協力關係の實現に最も貢獻せるもの」の一人として名指して居るが、伊太利の本協定參加のための交渉は歐洲に於て行はれ、余は右交渉に何等干與しなかつたのみでなく、伊太利の防共協定加入が決定且實現された際には、余は實際的には歐亞局長の職務から離れて居た。

即ち一九三七年の九月には、余の駐獨大使任命が内定し、余の後任者井上參事官が既に事務に従事して居たので、余は十月十日滿洲視察旅行（辯論文書第二八六號）に出掛けたのである。斯くの如き事情で右旅行の直前よりして歐亞局長の事務は既に後繼者に引繼がれたので余は右伊太利の防共協定參加の件には事實何等干與する所はなかつた。

二七、余の駐獨大使への任命事情は既述せる如くである。余の任命の日附は十月二十七日附であつた。余は十一月二十四日東京をたち、一ヶ月後一九三七年のクリスマス前の夜に伯林に到着した。當時の獨逸外相はコンスタンチン・フオン・ノイラートであつた。

當時日本は獨逸の仲介に依り支那事變を解決せんと試みたのであるが獨逸政府の立場は極めて硬はしきものであつた。即ち一方、獨逸は日本と緊密なる關係の強化を標榜しつつ同時に獨逸は従前より支那に軍事顧問を派遣して居り、又武器の賣却も多額に達して居た。多數の獨逸將校は支那軍隊に訓練を施し、防備工事を指揮し、事實支那軍を援

けて對日戰に従事して居るとの批評さえある位であつた。従つて獨逸の對支援助の中止は日本政府の最も重視する所であり、余が大使として獨逸に赴く際廣田外相よりの口頭訓令は獨逸軍事顧問の引揚及び武器輸送の停止を急速に實現する様務むべしと云ふにあつた。本件に就ての余と獨逸當局との接觸は云ふ迄もなきこと乍ら大使として爲されたのである。即ち余は政策を決定する立場に在つたのではなく、訓令の執行に當つたのであり、大使の行動は勿論訓令の範圍内に限られたのである。

二八、檢察側は一九三八年一月十日の余とノイラート外相との會談（法廷證第四八六〇號一）を以て余と獨逸との協力の證左なりとせんと試みて居る。余は同外相の覺書の示す如く獨逸政府の日支和平仲介の勢力に對し日本政府の謝意を傳ふる爲に同外相を往訪したのである。（本件交渉は東京で行はれたのであつて仲介の計畫に就ては余は關係ない）右會見に於てノイラート外相は日支事變一般の問題を提起した。當時蔣介石を相手とせず事變を軍事的終結に迄行つて行くと云ふ日本政府の政策が丁度内閣に於て検討せられ殆ど決定して居たと云ふ事實を忘れてはならない。此の政策の形成に就ては余は何等關係がないのであるが、一月十六日即ち余とノイラート外相との會談の二三日後「近衛

聲明」(法廷證第九七二△號)として公表された。余は本件政策が將に決定されるであらうと云ふことに付事前に情報を得て居たのでノイラーと外相に對し日本政府の政策を述べるに當り當然之を考慮に入れたのである。

二 支那に於ける日獨經濟協力の問題は余の短き獨逸滞在の中余の關心を

持てる主要な問題であつた。

既に法廷に提出せられた證據に依りリッペントロップと余との間に於けるのみならず日獨兩國政府間に於ける協力の缺如せることは端的に表明せられて居ると思考せらるゝから此の交渉に於ける余の役割に付多言を費す要ありとは思はない。

一九三八年初め余は當時行はれてゐた日獨間貿易の不利なるバランスを修正する爲、貿易協定締結を目的として獨逸政府と交渉を開始すべき訓令を外務省より受け、右交渉は主として首藤大使館高務官と獨逸外務省官吏との間に行はれて居た。

然るに一九三八年五月リッペントロップ外相は北支に於て貿易に従事する獨逸人が日本の商人と實質的に平等な待遇を與へらるべしとの取極を爲したき希望を申出た。

余はリッペントロップに對し此問題に關し何等の權限を有せざる旨を以て交渉に入ることとを峻拒した。

之より先二月リッペントロップの外相就任の直後、余は日獨間の政治經濟に關する重要な事項は柏林に在りては外務大臣と駐獨日本大使とによつて専ら又は其承認の下に處理せらるべき旨を述べたに對しリッペ

ントロップは全然同意なる旨を確答したのである。

此の五月の會談に於て余はリツベントロップ外相が余との約束にも拘らず大使館員以外の者と右支那に於ける經濟問題に付協議して居ることを發見したので余は直ちに彼の態度に不満を表した。此の頃より余とリツベントロップ外相との關係は著しくなつた。

三〇暫くしてリツベントロップは支那に於ける貿易問題に付交渉開始の目的を以て再應答を提出した。右は前回應答に似たものであつたが獨逸國民に與へらるべき「平等な待遇」に代ふるに「優先的待遇」を以てしたのである。

之は獨逸外相より提議し來つた二回目のものであつたので、余は該提議を東京に送達した。然し同時に余は獨逸に支那に於ける最惠國待遇以外の許與することは當然現行條約(余は九ヶ國條約を念頭に置いて居た)に違反する結果となるべきにより之に反對なる旨の意見を電報したのである。

三一リツベントロップの提議に關する余の報告に對し、東京より訓令を受領したが(註釋二二八)それは獨逸に對し北支の經濟問題に付「出來得る限りの優先」を許與し獨逸の利益は他の如何なるよりも良好なる取扱を受くことを約束と云ふ趣旨であつた。

然し乍ら余は斯る方針の實施に疑問を有して居たから一應其の旨を減少し法廷證第五九一號プロ、メモリアの形を以て出したのである。

余は即ち獨逸の「外國貿易」に限定すると共に「優先的」待遇の代りに「好意的」待遇として提案した。即ちリッペントロップが意圖した優先的待遇とは異り普通の通商條約に見られる最惠國條款と實質的には異ならぬものとなつたのである。

リッペントロップ自身が會談の覺悟に達して居る如く（法廷證第五九二號）彼は此のプロ、メモリアの方式を不満としたのである。

交渉は新しくして停頓したが、十月十五日余は駐米大使として莫斯科へ轉任を命ぜられた爲余と本件の關係は切つた。余の轉任の事情は次の如くである。

三ニ余とリッペントロップ其他のナチス獨逸の指導者との關係は漸次不良となつたが其の理由は主として、余がナチス主義及其關係を嫌惡したこと並に防共協定に同情を有して居なかつたことが漸次知れ亘つたことに在ると認められる、余は常に日本と列強との關係の改善に努めたのであつて、獨逸を激して排斥するものではなかつたが余は米英露との關係改善に最も力を注ぐ必要を認めて居たので之を

犠牲にして迄獨逸との接近を計るが如きことは常に反對であつた。尙余は多年獨逸に在りて其の国力に就て充分知り得る事情に在つたので日本の將來はナチズム及びファシズムとの同盟に在りとは如何としても認むることが出来なかつた。

三三余の柏林到着後同もなく大嶋陸軍武官は「防共協定強化」に付きリッペントロップ外相と交渉を行つて居た。

此の交渉は大嶋自身證言して居る様に（法廷證第四九七號）何等余の承認乃至參觀の下に行はれたものではない。右の事實は木戸日記にも記載せらるる通りである（法廷證第二二六二號）又此の交渉は政治的・經濟的重要事項は大使を通じてのみ取扱ふと云ふリッペントロップの約束を裏切つて行はれたものである。

余を出し抜いて斯る交渉が行はれた理由は斯る企圖に對し余が反對すべきことを豫期せるに他ならない。當時歐洲の情勢は緊迫の度を加へて居たので日本が獨逸と同盟する場合には將に發生せむとする戦争に日本が捲き込まれる可能性が大きいことは容易に想像し得る所であつたので、余は外務大臣に對し、日獨伊同盟が日本に及ぼす危険大なることを指摘した。防共協定強化は日獨伊三國間の同盟を意味するものであり、リッペントロップは大嶋武官に協定の草案を提出した。

それは笠原少將を傳達使として東京に届けられた（法廷證第四九七號）右の事實を知つたので、余は外務大臣に對し日獨伊三國同盟は贊成論者の云ふ如く支那事變解決に資することなく反つて將に來らんとする歐洲戰爭に日本を捲込む危険大なることを指摘し三國同盟は日本の採るべき方策に非ず直に阻止さるべき旨を具申した。

然るに其後外務大臣より五相會議の結果獨逸提案に關する交渉を進むる機體軍武官をして更にリッペントロップに申入れしむることに決せりと電報に接した、此の電報は八月末に到着したが余はヒトラ一等の如き獨裁者と協力するの困難且不得策なることをも指摘し再び三國同盟に對する反對を具申した、然し乍ら余の此の意見具申の結果は此の後同もな

く余に對し駐ソ大使としての就任に同意を求める外務大臣よりの要求となつた。

三 四 當時の余の立場は稍奇異であつた。莫斯科の地位は余の多年の宿望であつた、又余は伯林に於て普通の意味で成功したことは云へない。然し余の伯林よりの尊任は余が恐れ余が受けた情勢の發展に便をらしむることは明らかで、唯余が伯林に留ることにより軍門主事を控出し軍事同盟計畫を妨害することも出来るものと感じた。故に余は外務大臣に對し伯林に留ることを許されんことを求めた。然し翌日二度目の更に對外的な要求が来たので余は唯之に従ふより致し方なかつた。斯て余は十月十五日駐蘇大使に任ぜられ二十七日莫斯科に向け伯林を去つたのである。

三 五 余の莫斯科への轉任は當然日獨關係と余との接觸を斷つた。其の後の三月間、交渉及其締結は全然余の周知する所ではなかつた。其の後は余は事件に於て半官公式の關係を持つたことも唯一度しかない。即ち莫斯科轉任後、一として一九三九年二月伯林にて大島、白鳥兩大使並に本件に關する東京の意向を傳へる爲に派遣された伊藤公使と會つた。之より幾き余は大島大使より伊藤使節の來歐を機に伯林に於て在歐の大使會議を行ふべく東京へ歸朝中なる旨電報を受取つた。然るに伯林莫斯科間の交渉は遅かつたので余は東京よりの命令を待つ暇がなく、東京には其旨報告した

のみで伯林に赴いた。伯林に着いてみると本官よりは大使會議を許可せざる趣きであつたので余は大島、白鳥兩大使と食事を共にし、且其の後でホテルで病臥中の伊藤公使と面談したのみであつた。兩大使に對しては余の待論たる反對意見を述べ又伊藤公使に對しては本件同盟が結局日本に不利を齎すべきことを説き速に撤回し其の成立を阻止するに努むることの然るべき旨を勧めた。

三六 検査則は一九〇四年六月に於ける來種大使との會談に對する獨逸外務省クノールの覺悟を提出して、日獨同盟に對する余の見解が變化し來種大使が余の見解を承知してゐるものであると証明せんとした。余が莫斯科に大使として赴任した後來、氏と一九〇四年五月伯林に於て一度面會したのは事實である。然し余等は本件に對しては話したことを全く、勿論クノールの記録の如き見解を語つたことはなかつた同様なれば余は斯る見解を待つてゐなかつたからである。クノールの記録の原文を再讀すれば其れは來種氏が檢査官の出した如き結論を彼の見解としても又余の見解としてもクノールは違べてゐないことが分る。

三七 三門同盟（法廷飛馬門三牌）は余の莫斯科在任中維持せられたものであつ

て（御親文を第一二八〇號）余は之に何等の關係はなかつた。之が全く秘密
 裡に維持せられ政府當局に於てすら事前に知るものが甚だ少かつたことは
 既に法廷に明にせられた所である。（法廷證言二七〇四A號）便宜上茲に余
 は爾後に於ける余と日獨關係との關係を述べ、一九〇一年十一月二十五日余
 の第一次外相時代防共協定は五年間其の効力を延長せられたが、（法廷證言
 四九五號）右は一九三六年同協定の成立當時以來の政策の繼續に過ぎないのであ
 つて一九〇〇年春松岡外相訪問の際から日本政府は決して居た所である（法
 廷證言二六九〇號）而も其の際余は蘇聯に對し最も刻戟的な秘密協定の廢止
 を主張し之に成功したのである。又一九〇五年余の第二次外相時代獨逸に於て
 テーニッツ政府が成立したとき或一部に於ては防共協定が獨逸以外多數諸
 國の參加を見て居るもの理由の下に其存続を主張するものがあつたが、余は
 獨逸の獨逸の政治的取極めは防共協定も含め廢止せらるべきであり、之に
 採るべきであるものとして余の主張よりてを主張し防共協定は一九〇五年五
 月十五日廢止された。

三
 八
 一九〇一年に維持せられた日獨伊國の軍制下條約（法廷證言二一〇一號）は

余の外相時代のものである。本條約は十二月十一日締結されたのであるが交渉の開始は固より對米英戦争の勃發前であつた。(法廷證第六〇四一七號)然し乍ら本件交渉の開始されたのは日米交渉の成立が殆ど希望視された以後のことであり、最悪の事態に對する準備として爲されたものであつて、此等に就ては後に更に詳細を語るであらう。又一九四二年一月十八日成立した日獨伊軍事協定(法廷證第四九一號)は三門の軍事當局限りに於て計畫され、取決められたものである。余は本協定の締結に就ては全く承知しなかつたが締結後統帥部より單なる通報を受けたがそれも作戦地域の決定が爲された云ふことのみを通報された。尙余は三門同盟の協定に基く三門委員會の一員たりしのを以て日獨間の協力に責任ありとされて居るが(法廷證第一二七號)同盟條約は各締約国の外務大臣は其の地位よりして夫々の國に於ける委員會の一員たるべきことを規定して居る即ち余が其の委員會の一員であつたのは日本、外務大臣としてであり特殊の理念又は見解を持つた個人としてはないのである。尙百委員會は幾くとも余の外相兼任中は名目的の存在であり一度も招集されたことはなかつた。

第四章 英米關係及太平洋戰爭

三六 余は外務大臣に就任する迄英米問題とは余り直接の關係を有しなかつた。余が嘗て局長たりし歐亞局は英國問題を取扱ひ、又其の前身たる歐米局は米國問題をも取扱つたのであるが、當時の日本と英米間の問題は多く支那及滿洲に關する問題である。然し固より日本の外交に於て此兩國を輕んずることにはあり得ないことであつて、殊に余は此兩國には在勤又は數次の旅行を爲した關係上其國情及國民性に就ては相當の知識を有して居り英米問題に就ても充分の考察を有して居た。一九三三年の余の意見書（辭職文書第一四六號）に於て余が展開した對英米政策は、其後著だしく變化した事態に適合しないものとなつたが、其の基礎となつて居る主義原則に就ては余は猶舊信を有して居た。余が東條内閣に入閣したのは余が嘗て夢想したこともない世界支那と云ふ様なことの爲でもなく又英米を擧滅し乃至は之を東亞より驅逐する爲でもなかつた。余の外相就任の意圖は此等諸國との關係を改善して持續的な平和を招來し、又解決に行働んで居る支那事變を何とか解決するに在つた。然し一九四一年十月に於ける切迫した緊要な問題は戰爭回避と云ふ問題であつたのである。

四〇

東條内閣の外務大臣に就任する以前には日米交渉の成行きに關し余は事實上何等正確な知識を有しなかつた。遂し一九四〇年十一月蘇聯邦より歸朝して以來、余は名目上現役の大使の地位に在つたが、實際には外務省の事務には何等關與しなかつたからである。余は野村大使赴任以來、日本と英米との關係を改善安定する目的を以て、日米間に交渉の行はれて居ると云ふ事實は知つて居たし、又外務省の知人から、時々其の機密を聞いたことはあつた。然し問題全体は高度の機密事項即ち「國家機密」であり、直接關與する少數の高官以外に之を漏した場合には嚴重なる法律的制裁があつたのである。依つて余は日米關係は漸次惡化しつつあつて、之を放置すれば日本を戦争に導く懸念があると云ふことは充分に知つて居たが、詳細且具體的に日米交渉の内容を知ることが出来なかつた。

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四一

他方外務大臣就任當時、余は日本の外務大臣が其の主管する外交の分野に於ても、余り有力なものでないことに就て、日本の實情は充分知つて居た。日本に於ける外務大臣の地位は、他の近代諸國に於けるそれと制度上も實際上も非常に異つてゐたので、余は茲に此點に付若干説明を加へ度い。此點が充分理解されなければ、余の立場を理解することは困難であらう。

四二

外交政策の遂行は、内閣即ち政府部内に於てすら、外務大臣のみが

四

全責任を負ふものではない。此點は憲法自体から明らかであり、内閣は天皇に對し連帶責任を負ふのである、（此點は證人岡田元厚生大臣記録第一七七五二頁）森山元法制局長官（辯護文書第二九二〇號）等に依り充分解明せられた一而して連帶責任は必然的に連帶處理に至らしめるのである。更に何れの國に於ても近年總理が外交問題を含む一切の問題に就ての權限を擴張し外交問題も自身之を處理する傾向が強化された。他方日本に於ては政府自体が過去十五年以來統帥部に對し加速度的に弱くなつて來て居ることも注意すべき事項である。法廷は既に統帥部が、永い慣習及憲法上の規定に依り享有した統帥權獨立の事實を承知して居る筈である。尙余は特に統帥部が、政府の活動範圍に對し、徐々に侵入して來た事實を強調し度い。即ち統帥部は、國防と直接關係ありとの主張の下に、豫算、財政、産業、教育、外交其の他種々の分野に亘り、實際上其要請を強要することが出來たのである。他方外務大臣は自國の軍事力を知る術なく、外交の分野に於ても軍部の主張を討ずる力はなかつたのである。

四三 殊に滿洲事變以來十年間戰爭の雲氣の中に在つて、外交は日と共に軍部の壓迫を受け、外務大臣が國策に付其の意見を貫徹することは著しく困難となつたのである。既に法廷も承知する所であるが、以下一二の例證を挙げ度い。滿洲事變當時の外務大臣常原易雲の證言は、戦争の

問題が含まれる場合、同外相が最高國策の決定に付如何に無力であつたかを明らかにして居る。尙支那事變發生後軍部方面に於ては、外務省の活動を成る可く制限すべしとの意圖が生々強くなつた。當時興亞院の設置を見たが、之は外務省の所管事項を減少せんとする幾つかの現はれの一つであつた。同院設置に反對して宇垣外務大臣（自身陸軍大將であつたが）は主として之が原因で其職を失したのである。又太平洋戦争に至る迄の間に國策に重大影響ある決定に付外務大臣が無視された例は澤山ある。一九四一年の春（本法廷に於て余は初めて知つたのであるが）戦争の場合使用するべき軍票が印刷されたのであるが、國外に於て使用されるべき關係上、外務省に協力を必要とするに拘らず、外務省には何等の相談もなく実行されたのである。殊に又一九四一年十月十七日第三次近衛内閣會議の際木戸内大臣は辭職せんとする陸海軍兩大臣を招致して、九月六日御前會議の決定を再検討し和戦と云ふが如き最も重大な問題に關する迄本國策に就て陸海軍間の意見の一致を見る後長官する旨を述べたに拘らず外務大臣には何等の話しもなかつたのである。（法廷證一一五

四號）

四 四 新なる事變の下に於て一九四一年十月十七日余は東條大將より外相として入閣を求められたのである。前記の事變を熟知し且近衛内閣崩壊の原由は東條陸軍大臣に依つて代表された陸軍の強硬態度に在つたと云ふ

ことを承知して居たので、余は外相となつても安心して充分に活動し得べしと考ふることは出来なかつた。依て余は十七日夜十一時三十分同大將の求めに應じて往訪した際、外相就任の諸否を表明するに先立ち前内閣崩壊の原因を承知し度しと述べた。同大將の説明を聞きたる後、余は若し陸軍が支那駐兵問題に付強硬態度をとるならば夫のみにて交渉挫折は明らかであり、交渉の繼續は無意味である。新内閣の方針が斯るものならば余は外相就任を拒絶する他ないと述べ、陸軍が駐兵問題及日米交渉の他の諸問題を再考し相當の譲歩を爲すと云ふに非れば、即ち誤言すれば陸軍が合理的基礎の上に於て、交渉を纏めることに眞に協力すると云ふに非れば入閣を肯ずるを得ずと云ふことを明にした。之に對し東條大將は駐兵問題を含め日米交渉の諸問題は再検討せらるべしと言明した。右の保證を得たので余は外相就任を受諾し、翌十月十八日親任式が行はれ東條内閣が成立した。

東條側よりは屢々東條大將を繞るクリクと云ふことが言はれて居る。余は斯るものが存するや否やを知らなかつたし又今も知らないが、茲に余は余と東條大將及其他若干の被告との知り合ひの態度を述べることを適當と認める。余の記憶する限り余が一九四一年十月十七日外相就任方の交渉を受ける以前東條大將と會つたことは二度だけであると思ふ。其の第一回は一九三五年東條が陸軍省臨時調査部長たりし時（東條は之を記

憶せず余も亦時と場所の詳細を覚えて居ない）第二回は一九三七年余の満洲視察旅行の途次新京に於てであつて、新京に於ては他の人々と一語に會つたので二人だけで會つたことではなく、挨拶をしただけであつた。入閣以前余は東條の人となりや考へ方を全く知らず東條も亦余に就て知らなかつたと思ふ。余と東條との間には個人的の關係はなかつたから余は個人的理由から外相に選ばれたものではない。余は外務省の幹部として當然の順序で選ばれたものであらうと思ふ（事實は知らないが余は新く推測する）被告の中の三人（土肥原、橋本、畑）は巢烏て初めて會つた、又他の三人（木村、武蔵、佐藤）は余の外相就任後に知つた人達である。他の人々は前後して知り會ひではあるが、職務上の知り會ひと云ふ以上に知つて居ると云ひ得る人々は外務省の廣田及重光であり他の人々に就ては職務上時々關係があつたわけである。大島に就ては余は初めて伯林で會つた即ち余が大島として赴任した時大島は陸軍武官であつた。

四五 外務大臣就任と共に余は拓務大臣を兼攝した。拓務省は日本の海外の領土、植民地並に移民を主管したのである。余は極めて短期間、即ち一九四一年十月十八日より十二月二日迄拓務大臣であつたが、此の間余は同省の事務は何等見なかつた。余の記憶する限り余が同省に足を入れたのは就任挨拶の時、参内より外務省に歸る途中立寄つた時、及離任挨拶の時、三度のみであつた、拓務省は同省が一局であつた時代から居た次官に依りよく動いて居たし、又余自身は十月から十一月に亘り日米交渉に忙殺され、拓務省の事務をみる暇は全くなかつた、寧ろ余は同省の事務に就て全く知らなかつた。拓務省に就ては余は百以上述べることはしない。

四六 既に述べた如く、外務大臣就任前日米交渉の詳細は、国家機密事項であつた關係上、余は何等承知して居なかつた。例へば、日本の政策に決定的影響を與へた七月二日の御前會議決定に就ては全然知る所なく、又外交を窮地に陥らしめた九月六日の御前會議の決定に就ては漠然たる知識を有するに過ぎなかつた。又第三次近衛内閣を崩壊するに至らしめた十月十四日の御前會議の内容も勿論察しなかつた。外務就任と共に從來の交渉経過を關係書類に付、検討することより最大要項であつたので、余は就任後直に其檢

討に取懸つた。其際余の検討した文書は、主として華府大使館よりの交渉に關する電報並に外務大臣よりの大使館宛の電報の寫しの他、法廷證言二九一六號豐田外務大臣意見書等であつた。

四七 余が交渉官卓着たる日米兩政府間の往復文書並に外務省と在米大使館との往復文書を検討して得たる第一の印象は、次の如くであつた。即ち第一に日本の立場は根本的には滿洲事變以來生起した事件の結果生じた現實の事態を考慮して東亞の安定を計らんとするたにあり、斯る根本的な越え難い意見の下一致の爲に、交渉は殆ど停頓状態にあつたこと。第二に日本は久しく解決に悩んで居る支那事變の解決を計る爲交渉を通じ、相當歩をして居るに拘らず日米兩政府間の懸隔は四月より十月に至つて、益々大となつて居る事實、即ち米政府が六月頃より漸進的に、七月日本の海軍備増印進駐以後は急速に交渉に對する熱意を失ひ、其の態度を漸次硬化させて行つたことに由る事實であつた。尙第三に東京に於ては、日米交渉の三重要懸案中の二點、即ち三門同盟問題と支那に於ける通商無差別同盟に就て原則的に米國との了解が出来たものと了解せられて居り、交渉總理自身も

野村大使の報告に基き交渉は右の如き事態に在る旨を述べて居たので、
 議された問題は、支那に於ける駐兵問題唯一つであると思へられたこと
 である。

四八 第二次近衛内閣以來日米交渉は大本營政府連絡會議に於て取扱はれて來
 た、既に連絡會議に關する證據は多數提出されたが、然し其の性質を極
 限に就ては猶充分明にされたることは認められなないので以下聊か説明を加
 へ度い。連絡會議は憲法上の機關ではなく、第一次近衛内閣當時、夫々
 獨立に天皇に責任を有する統帥部と、政府との間の連絡を計る必要から
 設置されたものである。即ち連絡會議は憲法上の機關ではないから、其
 決定も形式上よりすれば重要性がないのであるが、其決定は當時出席者
 總和、兩統帥部總長、陸、海、外、蔵相、企劃院總裁他の關係も必要の場
 合は出席した一に對し拘束力を有すと認められたから、實際上非常な重
 要性を持つて居たのである。又百議員の他太平洋戦争前に於ては統帥部
 兩次長は常に出席したし會議の三人の幹事（陸海軍兩軍務局長及内閣書
 記官）の中二人は軍人であつたことからしても、連絡會議に於ける
 軍部の支配力の大きさが分るのである。

更に言へば、斯る會議が設けられたこと自体既に、軍部が政治に容喙し
 之を支配し指導する力を持つ様になり、爲に統帥部と政府との間の調停
 が、必要になつた云ふことの結果に他ならないことを證明するのであ
 る。而も口務に關する事項に於ても、軍人たる出席者は大きな力を持つ
 て居たが、軍軍事に關しては文官たる出席者は殆ど何等の力も有しなかつたのみならず、作戦に就ては何等知らざれる所がなかつた。口務に關する連絡會議の決定は固より閣議にかけられることを要し、又場合に依り閣前會議の議を経ることを要したのであるが、余の知る限りに於て斯る決定が其の儘の形に於て閣議の承認を得なかつた例は殆どなかつた。無論右連絡會議の決定事項は關係官廳間に事務的に検討せられた結果が原案となり更に幹事に於て調整を加へたる上提出せられたので各官に關係ある事項は多くの場合該各省主官は之を了知して居たことも其の一端であつたと思ふ。尙ほ二次近衛内閣時代からの慣習に従ひ内閣の當時に於ても和議の問題を含む重要口務に就ての討議並に決定を上奏するに當つては専ら總理が之に當り、外務大臣の上奏は外交交渉自体に限られて居た。

四九斯して新内閣成立の直後より、連絡會議は殆ど連日開催せられ日米交渉に對する日本の政策に就て全面的の再検討を行つた。當時の事態を理解する爲には、日本の内部の意見を念頭に置く必要がある。米英蘭三國は同年七月、日本に對し經濟斷交を行ひ、日本壓迫の爲相互間の協力を強化しつつありと認められたので日本側よりすれば此等三國は、兎も角も戦争の可能性大なりとし其勃發を豫見して居るものと認められたのである。而も日本は既に四年（或見方よりすれば一九三一年以來）支那の戦争を續けて居たのである。従つて凡そ外部に現れた輿論の全部は、滿洲事變以來の日本の政策を承認し支持して居たので斯る事態の下に於ては如何なる内閣にせよ米國が要求する如く、滿洲事變以來の事態の變化を全く無視すると思ふ様なことは考へられないことであつて我々の如く侵略的を行き方に對し最も強く反對であつた者でも斯る事態の變化は無視し得ないと思つた。

東條内閣成立の前から強硬論者は、米國との間に事態を解決する見込は全くないのであるから此の時を失ふことなく自衛の措置を講ずべしと主張した。

五〇

當時の余の立場は、外相就任の時の東條首相との會談に依り明らかである。即ち余は日本の爲のみならず世界の爲にも極力交渉妥結を要せしむべきことを希望した。勿論軍部が日米交渉に於て強硬態度をとりてあらうことは當初より明らかであつたが余は米露兩国の爲に事態を解決し平和を維持する幾分かの余地があるを信じたのである。但し日米交渉に關する基本的問題は近衛内閣以來總て連絡會議に於て決定せられたから外務省は外交政策の遂行に就ても常に連絡會議に於て統帥部との協議を要し其の同意を得た範圍内に限り行動し得る實情であつた。余は外務大臣に就任するや日米交渉促進の見地より外務省内に於て對米英強硬政策を唱導して日本の外交政策を下健全な方向に導かんとし其目的の爲に陸海軍の過激な分子と策謀し又は之に取り入りさへして居る。少數の外務省官吏を離宮せしめたことがある。此等一部官吏の行動が行き過ぎた結果省内の大部分を占める穩健分子は爲に其意見を發表するに怯け穩健分子力が弱まるに至つた。斯る現象は一般に健全な外交政策を遂行する支障となるのみならず余は日米交渉の爲にも甚だ面白くない形勢を持つものと認めた。依て余は過激分子の除去を決意

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し、之を西次官に命じたが、其詳細は既に証言せられた通りである
（辯護文書二七〇一號）右の結果は外務省員の規律は取戻され内輪
の争ひの爲に妨げられることなく、日米交渉の遂行に全力を盡すこと
が出来ることとなつた

五、既に述べた如く連絡會議は内閣の成立直後より開始せられた。十月二十三日の最初の會議に於て、杉山參謀總長は急速決定の要を強調し、九月六日の御前會議決定は九月中は外交を主とし戦争準備を従とするも十月上旬よりは戦争準備を主とし外交を従とするにめつたと主張した。斯くして余は九月六日の御前會議決定を白紙に還すと云ふことになつて居るにも拘らず統帥部が從來戦争準備を逐次増強し來り、交渉に就ても強硬態度をとる事が交渉の遂行に大きな支障を與へると云ふことを發見した。余が外相に就任し連絡會議に出席するに至つた時、余と共に新に連絡會議に出席する様になつたのは嶋田海相、賀屋藏相の二人のみであつた。されば此の連絡會議には一種の心理的斷絶と云ふものがあつたことを考へなければならぬ。即ち討論に當つても前からの出席者はより力があつたのみならず従前よりの組織に捕はれざるを待ず會議に於ける検討の遂行も九月六日の決定事項を基礎とし之に付如何なる程度に變更が加へ得るかと思ふ考へ方であり、従て右決定は容易に動かし得ないものと云ふ感じを持つて居たのであつた。前記第一回の連絡會議に於て參謀次長塚田中將は參謀總長より更に慈觀的且非妥協的であつた。同次長は日米交渉の妥協は全く見込がないし、英米が既に經濟斷交を取てし、日本の包圍を強化して居るのであるから日本は直に之に對し自衛の手段に出づべきであると思つた。余は統帥部の斯る態度に強く反對し交渉打開に少しでも方法の有る限り全力を盡すべきであり武力手段に出ることには誤りであると述べた。斯る意見の對立を解決する爲連

絡會議は檢討を續け殆ど連日時には早曉に及ぶ迄論議し屢々激論を交へ問題の檢討の爲には有らゆる努力が盡されたのである

五、日米交渉に關する重要點は三國同盟問題支那に於ける通商無差別問題及支那に於ける駐兵問題の三であつた。そして野村大使よりの報告に依れば右三點中最初の二點に就ては既に大體了解が成立したとのことであつた。法廷證第二九〇六號一依て余は連絡會議に於て未解決の最重要問題と認められた支那に於ける駐兵問題に付、米國と合意に達する爲出來得る限りの讓歩を爲すべく努力を集中した。亦は檢討を續ける中米國の主張に猶歩み寄ることの必要を認め、此の目的の爲最も有效なる行き方として余の前任者たる豐田外相が交渉成功の可能性ありと爲した條件一法廷證第二九一六號一を交渉の基礎として採用し新提案に付合意に達する様努力することを通當と認め余は豐田外相の案を更に一步進めた案に付連絡會議の同意を得る様努力した。當時日米間の意見の懸隔は大なるものあり、九月六日決定の我方最小限要求の基礎の上に交渉が安結することは米國側の態度に於て殆ど革命的とも云ひ得へき變化なき限り見込がないと云ふ點に就ては連絡會議一同の一致した見解であつた。然し乍ら連絡會議の多數は支那の特定地域よりの撤兵の原則に就ては反對であり余は之に對して倦まずに戦はなければならなかつた。特に國軍側よりは特定地域に於ける無期限駐兵の必要を強調した。結局余より他國の領土に無期限に駐兵することの不當且不得策なる所以を強く主張した結果漸くにして駐兵に期限を附することに

付各員の同意を得た。但し其期間に就ては又々強硬なる意見が提出せられ
 た最初余は龜田案と同じく五年を提案した、之に對しては強く反對せられ
 更に八年、又十年との提案も亦却けられた。會議に於ては五十年乃至九十
 九年を主張する者もあつた。結局大体二十五年とすることに決定した。尙
 實際の提案（甲案）は他の總ての提案と同じく「所要期間」としてあるが
 之は交渉の此の段階に於て駐兵期限でとちれては交渉全体が挫折すると認
 められた結果であつて斯て野村大使に對しては説明を求められた場合二十
 五年を「目途とす」る旨を以て應酬する様訓令せられたのである、但し余
 は特に總理と話し合ひ若し米國側に於て大体に於て甲案に賛成する場合に
 は細目の修正は更に考慮せらるべき旨の諒解を取付けた。余は從來日本側
 にて考慮して居た特定地域中より上海三角地帯及厦門等を除くことに付違
 絡會議の同意を取付けたのであるが、之とても上海軍に於て一九四〇年の
 日本と汪政權との條約に於て指定された總ての地點に駐兵する權利を保留
 すべきであると云ふ主張があつた爲に其同意を取付ける爲には夢からさる
 努力を必要としたのであつた。

五

三、前記と關聯し佛領印度支那の問題があつた。豐田外相の案は、日本が佛印を足場として南方に武力的進出を行ふに非ずやこの米國の疑惑に鑑み佛印に於ける日本軍は増強せずと云ふに在つた。此點に就ては余は戦争回避の重要目的の爲めに協定成立の場合直に南部佛印より撤兵すると云ふ點に付陸軍の同意を取付けたのであるが、此點は豐田外相の案よりも遙かに大なる讓歩である。此點に就ても反對は強硬であつた。此點と支那に於ける駐兵期限の問題に就ては余は此程度の外交上の活動が認められぬに於ては外相を辭するの他なしとの氣勢を示して漸く主張を貫徹し得たのであつた。

五

四、連絡會議に於て前記の二つの重要な點に就て其の同意を取付けることは容易ならざる努力を必要としたのであつた。蓋し「事態を白紙に還す」ことは云ふものの從來の成行きを全く無視することは事實上不可能であり九月六日の決定に依る外交活動に關する制肘は尠くとも之が既成事實となつた範圍に於ては依然存在したと云ふへきであつた。即ち第一には十月中司迄と云ふ時が経過したと云ふ、次に右決定に依り戦争準備が益々進むと共に軍部に於ては日本は負けはせぬと云ふ氣分が出来たので、之が右決定の再検討即ち對米交渉の條件決定に際し非常なる障礙となつたのである。余は交渉案件に就

て陸軍が強硬であらうと云ふことは豫想して居たが、十月下旬に於ける連絡會議の動きから見て海軍の態度が陸軍と殆ど同様に強硬であるのは訝からず驚いた。依て十月三十日余は、海軍の長老にして當時余が海軍方面に大なる勢力を有すると考へて居た元總理岡田大將の下に使を派し、事情を説明すると共に岡氏の力に依り海軍の態度を緩和せしむる様努力せられんことを申入れた。

五 斯くして余は甲案乙案の基礎の上に交渉を進めることに付連絡會議の同意を取付け、其後十一月五日の御前會議に於て決定を見たのである。甲乙兩案の原案は米國と平和を維持する爲の對策として余自身が考慮せるものであつたが前述の通りの變更を見た上に兩決定案となつたのであるが之は軍部より取付け得た最大限度の讓歩案であつた。

六 連絡會議に於ては日米交渉を繼續すべきや否や、又繼續するにせざる如何なる基礎の上に之を繼續すべきかと云ふ既述の問題の他に更に重要なる一問題があつた。即ちそれは交渉決裂の場合日本は如何にすべきかと云ふ問題であつた。此の問題は十一月一日から二日の朝に及ぶ徹宵の會議に於て激論を見たのであるが余は嘗日も戦争を回避する爲め全力を傾倒した。余は歐洲に於て第一次世界大戰の慘禍を眼の邊り見更に起るべき戦争は交戦國の國民に更に以上の慘禍を齎すであらうと

云ふことを知つて居た爲戦争回避を必要と考へたのさ、一國の發展は寧ろ急激な膨脹さか戦争さかに依るべきでなく漸進的且穩健な方法に依らなければならぬと信じて居たからである。依て余は交渉が成立しないとしても必ずしも戦争の發生を伴ふべきでなく、臥薪嘗胆以て事態の變化を待つを可なりと主張した。然し乍ら軍部は強く之に反對し、交渉が決裂すれば日本は早晚戦争せざるを得ない。何故かとなれば日本は補給特に石油の補給は輸入に俟たざるを得ないから、經濟封鎖が實けば日本は「ジリ貧」に陥る危険は目に見えて居る。而して日本の此等物資の貯蔵が減少した後支那問題其他に於て英米から壓迫を受ければ、日本は戦ふことすら出來ずして之に屈服するの止むなきに至るべしと主張した。之より幾人ぞ石油の生産が出來れば、經濟封鎖の下に於ても日本の需要を充たし得るではないかとの問題が提出せられ、余も之に對し大いに贊成且主張したのであるが、企劃院側よりは日本の及石油の生産は其爲には不充分であり若し之を人造石油工業に使ふとすれば他の重要産業の大部分を犠牲にせねばならず又設備の關係等よりして四、五年の後でなくては四百萬屯の生産は困難であるとの意見が提出せられた。斯くして若し一九四二年迄を忍びて事態の推移を

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俟つ場合には國際狀勢は日本により有利になる可能性あるも時或物資の消耗及作戦上の不利大なるに依り此等事態が猶日本に有利なる中に交渉の成否を明にし交渉不成立の場合には時機を失せず戦争に訴ふべしとの主張が壓倒的であつた。尙此の間を通じ米國は軍需の爲の時を遑ぐ爲に交渉を行つて居るものであるから此の見地よりも遅延は我方に不利であるを認められて居た。

七右の如く連絡會議の大勢は交渉決裂の場合戦争止むを得ずとの見解であり而して戦争の場合陸軍統帥部にては全般的見通に於ても必勝を確信すとのことであつたが海軍統帥部は諸口に於ては成功の確信を有する。一年半又は二年の後のことは、一般國力並に國際狀勢に依るのであるが我方にて南方の戰略要點を占據して不敗の態勢を造ることは可能である又交渉不成立の場合には直に戦争に入るの外なく若し其際戦争せざれば戦機を逸するものであるから本日直に交渉不成立に對する措置を定むべきなりと主張した。然し乍ら余は一度米英を戦端を開くに至れば長期戦を覚悟すべきは當然であつて諸戰の成功のみに多くを期待するは大なる誤謬であること、又英米國民の不埒の決意を精神力に就て知る所もあり、假令こちらに責任があるにしろ若し我方にして敗北するが如き場合には我國民に徒に禍を齎すものであると主張し陸海軍兩大臣に對し戦争全局の見通しを質した。

五八、東條陸軍大臣は戦争全般に就ても勝算確實なりと述べた。嶋田海軍大臣は悲觀の要なしと言明した。又永野軍令部總長は更に即時決定の必要を力説せる外海軍は激撃作戦にも自信あり米國船隊が中部太平洋より北上し來る時我方は委任統治地域に據り之を擊破し得べしと述べた。

五九、十一月一日には激論夜を徴したが、大多數は甲案乙案に依り交渉するも不成立の場合には日本は開戦を決意すべしとの決定案に賛成した。然し乍ら余は陸海軍及企劃院の説明には充分納得し兼ねるものがあつたので、陸海軍統帥部及海軍大臣が即時決定を追つたが、交渉決裂の場合直に戦争を決意すると云ふ決定に就て即座に同意することを欲しなかつた。依て諸否を表明するに先立ち一夜の熟考を必要とし、之れが、猶豫を求めた。賀屋藏相も余と共に猶豫を求めた。

六〇、同夜全般的事態を熟慮した。戦争の見透しに關する軍當局の保證は信用し難き感があつたが、余の手許には日本の有する軍隊の状況（此等は何れも軍機に屬した）は勿論其他國力を判定すべき正確なる資料を有しないのであるから右軍部の意見を反駁することも出來ない状態にあつた。他方國際状況よりする議論は既に出し盡された。即ち余は米英の強大な生産力及精神力を指摘し、獨逸よりの援助をさして期待し得ないことも指摘した。即ち戦争の見透しに對する軍部の見解に就ては之以上反駁し否認する立場にはないので之を信用するより仕方が

ないとの結論に達した。只其際殘された唯一の點は余が辭職すること
 に依り事態を變化させることが出来るや否やと云ふことであつたが、
 此點に付余は十一月二日早朝外務省の先輩にして從來屢々重要問題に
 就て助言を得て居た元首相廣田氏を訪ね、之に一般狀勢を述べると共
 に、日米問題は余の入閣當時豫想した所より遙かに惡化して居り、外
 交の成功の爲の余の努力にも拘らず、戦争の危險大なるものがあるが
 余の辭職に依り事態の變化を祈し得るや否やに付同氏の意見を求めた。
 廣田氏は余の意見に對し、若し余が辭職すれば、直に戦争を支持する
 人が外務大臣に任命されることにならうから、余は職に止つて平和維
 持の爲全力を盡すべきであると述べた。他方余の命を受けて賀屋大藏
 大臣の決意を尋ねに行つた西次官は同大臣が連絡會議の多數者の決定
 案に同意することを既に總理に傳へた由を報告した。斯る事態の下に
 於ては余は賛成するより他に道はないと認めた。依て余は午前十二時
 頃總理を訪問し前記決定に同意する旨を述べた。同時に余は總理に對
 し二三申入れを爲し其同意を取付けたが、其の一は米側が甲案又は乙
 案に乘氣になつて來た場合には交渉を成功に導く爲、我方の讓歩に就
 て更に考慮を加へることが可能なる様總理も余を支持すると云ふこと
 であつた。總理は又連絡會議に於て余の主唱に依り交渉成功の場合に
 は作戦行動は直に停止せられ原狀に回復せらるべしと云ふ統帥部から
 取付けた約束をも確認した。尚余は甲案乙案の基礎の上に交渉を行ふも

之が不成功に終る場合には余は辭職を考慮することあるべしと豫告した。其後甲案乙案は閣議に報告せられ余は連絡會議に於ける其の決定の経緯に付説明した。右決意は閣議の承認を得た。又十一月五日の御前會議の決定を経た。

六一、十一月五日御前會議の決定を見た甲案乙案は既に證據として提出されて居る（法廷證第一二四六及一二四五號）余は米國が日本の立場を理解し互譲の精神を示すに於ては甲案に依り交渉妥結に導くことは可能であらうと考へた。然し乍ら當時既に懸案を一舉に解決することとは非常にむづかしく、若し米國側が其要求を固執すれば不可能であると認められた。されば事態解決の爲には、差當り解決を要する最大緊急の諸事項を協定し、以て危局を救ふべしとの目的を以て、余は乙案を作つたのである。即ち乙案は七月以前の事態に戻して事態の緊迫を緩和し、以て切迫せる戦争の危険を除去せんとする目的を有せるものであつた。

六二、新提案は十一月七日以來華盛頓に於て、米國側との間に交渉せられた。右交渉の經過に就ては、山本證人が既に充分證言して居るから（法廷證二九一五）余は茲に之を繰返す必要を認めない。一方連絡會議の検討は引續き行はれた。若し新提案に依り交渉の難局が打開されれば寔に結構であつたが、米國側の從來の態度から見ても、交渉決裂の場合の措置に付検討を抛棄して差支ないと云ふ程の見込は立たなかつ

た。されば連絡會議では交渉の遂行のみならず交渉不成立の場合の措置も取扱はれたのである。

六三、丁度此の頃余は交渉の事態が關係者の考へて居た所と相違して居ることを發見したのであつた。余は曩に華盛頓大使館よりの報告が三國同盟及支那に於ける通商無差別待遇問題が既に大体解決せられたと傳へて居たことを述べた。然し乍ら余は書類を検討すればする程之に疑念を深め、野村大使に照會を發した處大使よりは曩の報告の不正確なりしことを報告して來た。斯くて交渉妥結は更に困難を思はしめたが、余は猶甲案乙案は公正且妥當であると確信したし又米國がそれを認めることを希望した。尙余は來栖大使を米國に派遣し、野村大使を援助せしめたが、來栖大使派遣の理由は此の危局に當り經驗ある専門の外交官を華盛頓に送り野村大使の交渉援を援助する爲であつた。之より以前野村大使は余の外相就任前斯る目的の爲に來栖大使の派遣を求めて來たことがあり、法廷證第二九二一號「來栖大使は日米關係維持の重要性に就ては意見を同うするものであつたから斯る目的の爲に余が同大使を選んだことは不思議ではない。斯くて十一月三日余は同大使に使命の承諾を求め之を得た。余は同大使に事態を説明し日米關係を急速に解決することの緊要性並に交渉不成立の場合戦争不可避なる旨を説明し右の狀勢を野村大使に傳へると共に兩者協力し交渉の成立に全力を擧ぐべきことを求め同大使は之を諾した。

六四、我々は再び交渉期限の問題に遑遑した。十一月の初め統帥部側は連

給會議に於て作戰上の考慮より交渉の成否に付同月中に之を確める必要ある旨を述べた。即ち統帥部側は戦争不可避なる場合は十二月初旬戦争開始の前提の下に作戰準備を行ふ必要ありとした。余は交渉に期限を附することは外交活動を著しく阻害し延いては交渉の成功を妨げることになるとの理由を以て之に反對したが作戰上の必要を理由に余の主張は容れられなかつた。此の期限を附したことは交渉を一段と困難にしたのである。又華盛頓大使館に對し所謂テツド・ラインを示した訓令が送られたのも勿論此の爲であつた。

戦争準備は九月六日の決定以來勿論進められて居たわけであるが、準備の内容及程度は軍の極秘事項として連絡會議にも何等知らされることはなかつた。連絡會議に出席した又官閣僚は作戰準備に就ては一切知らされることなく、例へば日本の艦隊が單冠灣に集結し之を出港したこと、南方軍總司令部が設置せられ寺内大將が其の總司令官に任命せられたこと等は全く知らなかつた。余は日本の艦隊の單冠灣に於ける行動に就ては終戦後新聞に依り初めて知つた次第である。又軍の第一次の作戰目標が眞珠灣であつたと云ふことに就ては其の攻撃前に余は連絡會議其の他如何なる場所又は方面よりも全然聞いたこととはなかつた。余自身は十一月初め連絡會議に於て統帥部側から比律賓及馬來の占領に何の位時日を要するかと云ふ様なことが言はれ、又海軍統帥部は米國艦隊が日本に近づいた時之を撃滅する自信あ

りと云ふ意味のことを述べたことがあつたので若し戦争になれば第一次の作戦目標は比律賓又は馬來あたりであらうと想像して居た。余は日本海軍が眞珠灣の米國艦隊を攻撃しやうなどとは全く思ひ設けなかつた。海軍統帥部は戦争の見透しを述べる場合には常に米國艦隊をおびき出し「委任統治領附近に於て」之を撃滅すると云つて居た。例へば十一月十三日運給會議決定（法廷證第九一九號）の如きである。

大五 甲案に對し米國側は我方の豫期に反し興味を示さなかつた。依て余は運給會議の同意を得たる後十一月二十日乙案を提出せしめた。本案は當初幾分か有望と認められ十一月二十五日の米國新聞が暫定協定が成立するかもしれないと報せしむる時我々は乙案を基礎とせるものに相違ないと思つた。斯る推定の下に我々は交渉成立の場合に要求すべき石油量を大使館に訓令したが此の石油量は參謀本部が初め提案した量よりも余の主張に依り更に減少せられ過去數年間の日本の平均輸入量に略々等しきものであつた。（法廷證第二九四四及三四四五號）

大六 華盛頓に於ては十一月二十六日ハル國務長官が十項に亘る案を野村來栖兩大使に手交した。右提案の要領を報する電報は十一月二十七日に届いた。尙此の電報と殆ど同時に兩大使よりルーズウェルト大統領と天皇陛下との間に親電を交換し空氣を一新したる上、日本政府より佛印、泰及蘭印の中立化を提案し、以て日米關係を打開すべ

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しとの意見を具申せる電報が按到した。特に後者の電報に就ては木戸内大臣とも協議することを要請して居た。兩大使の具申せる三地域の中立化は當然其の結果としての撤兵をも包含して居り複雑且困難な問題である。余が兩部佛印からの撤兵に就て参謀本部の同意を取付けたのは連絡會議に於て斷概を請して激論を闘はしての上のことであつたので、當時の事態に於ては米英側にて日支和平、資産凍結等懸聯せる諸問題の解決に關する何等の保證なくして佛印全体より撤兵することに軍部を承諾せしむることは全く不可能と認める他はなかつた。然るに兩大使の意見具申は單に佛印、蘭印、泰の中立化を計るのみで日本として不可缺と認められた資産凍結解除の如きことにすら何等觸るることなく、又佛印駐兵の根本目的であつた日支和平に對し米國が其の仲介をするに云ふ點に就ても一言も述べて居なかつた。殊に二十六日のハル・ノート接受後に於ては兩大使も右意見の實現に望みを勵して居なかつたことは明瞭であつた。右はハル・ノート接受後直に發せる兩大使の電報には交渉成立の見込なきこと從て日本が自由行動に出づる場合の措置方に關する事項が擧げられて居たことよりしても明らかなである（法廷證第二九四九號）

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二十七日連絡會議が開かれハル・ノートを論議したが之に對する我々全部の感じは一様であつたと思ふ。米國は交渉に於ける今迄の経緯及び一致點の範圍を總べて無視し、從來執つた最も強硬な態度をさへ遙かに超える要求を含み、そして我々が最後通牒と認めたもの

六八

を我々に交付したのである。我々は米國は明らかに平和的解決の爲の合意に達する望みも意思も持つて居ないと感じた。蓋し此の文書は平和の代償として日本が米國の立場に全面的に降伏する事を要求するものである事は我々に明らからであり、米國側にも明らからであつたに違ひ無いからである。日本は今や長年の犠牲の結果を總べて抛棄するのみならず、極東に於ける大國の一つたる國際的地位をも棄する事を求められたのである。我々は此の地位を抛棄する事は全く國家的自殺に等しいと考へたのである。此の挑戦に對抗し我々自らを護る唯一の強された途は戦争であつた。

翌二十八日午前十時開會の閣議の十五分前、余は首相官邸に東條首相を征訪し、本件に付協議し、嶋田海相も隣室より現れて之に加はつた。我々は兩大使よりの具申案及既に其の全文も接して居たハル。ノートに就て協議した。日米交渉に關する重要電報は外務省より陸海軍省及兩軍務局を通じて兩統帥部に自動的に送られることになつて居たから一法廷證第二九一五號一總理及海相も勿論兩大使具申案及ハル。ノートに就て承知して居た筈であつたが、余は此等の内容に付説明した。總理及海相共に右具申案に就ては斯る提案を以て時局を收拾するのには到底不可能であるとの意見であつた。閣議の途、午前十一時半余は參内したが、拜謁に先立ち木戸内大臣と會見しハル。ノートに就て説示した後、兩大使具申案に付協議した。(具申案に就ては内大臣と相談することが兩大使の希望なる旨も傳へた) 内大臣はハル。

ノートに付大いに失望の意を示したが、兩大使の意見に就ては之では仕方がない、斯る提案で纏めやうとするならば内亂になるだらうと言つた。余は内大臣に對し野村大使に其の意向を傳へる旨を述べた。斯の如く政府首腦部にも實現に自信がなく陛下の常侍補弼の任に在る内大臣も賛成せず、從て孰れの方面も責任をとり得ない様な提案であつたから、兩大使具甲案は陛下には上奏されなかつた。野村大使には其の要諦通りの方面とも相談したが具甲案は此際適當に非ずと認められたる旨電報した（法廷證一一九三號）。野村大使から從來交渉に沈黙を守つて居た國務省が其経緯を公表し米國各紙も和戰の決は日本の手中にありと述べて居る旨を報告し來つたのも此の時である（法廷證第二七五〇號）。此の報告を見ても我々は米國は戦争を豫期して居るものと認めたのである。

六九、余は茲に於て再び辭職を考へた、余は當初より余の辭職に依り日米關係の解決を促進し得るに於ては何時たりとも辭職しやうと考へて居た。然し乍ら事態は變て述べる理由に依り余は茲に十一月初辭職を考慮した時とは根本的に變つて居り外務大臣の辭職に依り事態の變化を來す可能性は殆ど認められなかつた。然し余は此の問題に付て外務省の先輩であり日米交渉の成功には大なる關心を有した佐藤元外相其の他に對し余の辭職に依り内閣を更迭して事態を變化せしめ以て戰爭を回避し得るや否やに付意見を求めたが、皆一樣に余の辭職に依り事態を變化せしめる事不可能なりとして余の辭職に反對した。余が其の時辭職は役に立たぬと考へた理由は次の如くである。即ち前の場合には軍部より日米妥協の爲我方の讓歩を取付けると云ふことが問題であつたから、余の辭職に依り内閣を更迭せしめ統帥部に對しより強く出待る内閣を作ることが出来たかも知れない。尠くとも余はさう思つた。然し今や日本が如何に讓歩しても米國と協定に達することは出来ぬと認められたのである。米國は過去に於てはいさ知らず今や全く妥協の意思なく日本にとつては國家の自衛の問題である事は明白であつて、外交交渉に依る解決の見込は殆ど全く失はれ唯米國側の反省にのみ僅かに望みを繋ぐ次第であつた。されば余は辭職するとしてもそれは全く事態の解決に役立つ處なく、いたづらに余の責任を逃避する事になるのみであつた。かくて余は敢て職に止まつて最後の瞬間迄戰爭回避に

努力し不幸戦争となつた場合には日本及世界の爲、戦争の早期終結の爲全力を盡すこととすべく決心したのである。

七〇、既に述べた如く余のみならず關係者全体の氣持は十一月二十六日のハル、ノート接到後は、米側が此の新しい強硬態度に反省することゝなれば事態解決の望みは全くないと云ふ事であつた。余は夙に交渉破局に至るとも必ずしも戦争となるべきでないと考え居た。然し乍ら、此の主張は通らず余は決定に服したのであつた。處が、問題は今や一轉して日本の存在自体が危殆に瀕し、自衛手段に訴ふるの外なしと認められる状況になつたので、余は戦争開始に同意せざるを得なかつた。最早戦争の見透の問題ではなく米側が反省せざる限り他に道はなかつたのである。十一月二十七日の連絡會議に於ては全員開戦に賛成し、之を御前會議に於て決定することとなつた。

七一、右連絡會議の決定は翌日の閣議の承認を得たる上、十二月一日の御前會議に於て決定せられた。關係者一様に日本は自衛手投に訴ふるの外なしと認めたのであつた。十一月二十九日、重臣の會合があつた。本會合に付ては既に證據は出て居る。本會合は午前は政府側との會合であり午後は陛下の御召があつた。午前中總理其の他關係より説明が行はれた。總理よりは戦争に訴へざるを得ざる理由に付説明あり、余より日米交渉の経緯に付詳細之を説明した。若槻、廣田兩重臣より交渉に就て若干質問されたが、之に對しては岡田靉人が證言した如く余

より詳細説明した。(法廷證三二二九號)出席者は誰も米國の提案を受諾すべしと爲す者はなかつた。陛下の御前に於ける午後の會合に於て近衛公は特に交渉に就ては充分説明を聞き政府の努力を多とするものであると述べ、最近の米國の提案に鑑みるも交渉が絶望であると云ふ事はその通りであると思ふが、何等か隱忍自重して戦争を避ける道はないものであらうかと述べた。總理は之に對し其の點は我々に於て繰返し検討をしたが、戦争より外に道なしとの結論であると答へた。

七十二、十二月一日御前會議に於て開戦の決定が爲された。此の御前會議には全關係、陸海軍兩統帥部總長、兩次長、内閣書記官長、陸海軍兩軍務局長、及び樞密院議長が出席した。再び總理より戦争の止むを得ざるに至つた事情の説明があり(法廷證第二九五四號)、余より交渉の經過並に十一月二十六日覺書以後交渉繼續不可能となりたる事情を説明した(法廷證第二九五五號)。尙他の大臣並に統帥部よりも説明があつた後全員原案に賛成した。

七十三、斯くして開戦の決定は爲されたが、猶極めて僅かながら事態解決の望があつた。即日本としては最早何も新に提示するものはなかつたが我方が固い決意を示し米國の要求に屈する意思なきことを示すことにより米國側の新な強硬態度が、如何に交渉を決定的に挫折せしめたかを米國側に於て覺る場合には、若し米國側が双方にとり「名譽ある平和」を爲さんとする時は自ら反省するであらうと云ふ可能性は存した

のである。されば余は右の理由より兩大使に對し米側の反省を求むる
 様努力すべき旨訓令し又連絡會議にも其の様に報告した。十二月一日
 の決定に先立ち余は野村大使に對し交渉を打切ることなき様訓令した
 が、交渉打切は憂へられて居る戦争をたゞ確實にするのみであつた。
 余が交渉繼續の爲の唯一の方法をとつた事を以て余は詐欺と不信の責
 を問はれ作戰準備の爲時を稼ぐ目的を以て外交交渉の見せかけを作つ
 たと云はれて居る。余は既に日本側に於ては如何なる時にも時を稼ぐ
 と云ふ問題はなかつたと云ふ事を明らかにしやうと努めた。余は統帥
 部に依る輕率なる行動を防ぐ爲に絶えず努力したのであり、又余のみな
 らず余の前任者達も軍事行動を延し交渉を繼續する爲の努力を絶えず
 したのであつた。開戦の決意の爲された後と雖も平和的解決の爲め最
 後の希望も之を捨てずに努力しなければ余の職務に忠實なる所以では
 ない。されば既に證言された如く（法廷證第八〇九及二九一五號）万
 一交渉成立の場合には是ての作戰計畫は直に停止せらるべきことにな
 つて居たのである。

七四

此の間米國側の反省を得ず戦争に入らざるを得ざる場合如何にして
 戦闘開始を通告すべきかと云ふ重要な手續の問題が残されて居た
 此の手續問題は十二月一日の御前會議後初めての連絡會議に於て取
 上げられた。右連絡會議に於ては宣戰詔勅等の件が討議せられたが
 余は戦闘開始の時期に付質問した處、杉山大將より次の日曜日頃と
 の答へがあつた。そこで余より戦闘開始の通告に關しては通常の手
 續に依ることが適當であると述べた。余は之を當然、さうされると
 思つて居たのであるが、永野軍令部總長より戦争は奇襲でやるのだ
 との發言があり、次で伊藤軍令部次長は開戦の効果を最大ならしむ
 る爲、交渉を戦闘開始迄打切らないで置いて欲しいと申出た。余は
 此の申出を拒絶し斯る遣方は通常の手續に反し甚だ不當なるのみな
 らず、今戦争に入るとするも不日必ず其終結する時が来るわけであ
 り開戦に當り無責任なる措置を執り置くは我國の名譽と威信にかゝ
 り甚だ不待策であると述べた。更に余は之より先、野村大使より此
 問題に關し日本が自由行動を執るに先立ち華盛頓に於て交渉打切の
 通告を爲す必要ある旨を具申せるもの一法廷證第二九四九號一を引
 用し、余の意見の當然且、正常なる點を指摘し通告は國際信義上絶
 對に必要なりと主張した。然し乍ら永野總長は戦争をする以上は是
 非勝たねばならぬと強く主張し誰も余の説に賛成する者はなかつた

七五

余の賛成者がなかつたと云ふ事實は、今日此の論争を憶えて居る者が
 ないと云ふ事實の最もよい説明になるであらう。余は海軍の態度
 を遺憾とし、當日の會議は以上を以て散會することとし、當日は何
 等の決定をみなかつた。散會の際余が席を起たんとするや伊藤次長
 は余の席に來り、海軍の苦衷を訴へ、若し交渉打切りの通告がどうし
 ても必要ならば華盛頓に於ては、なく東京に於て米國大使に對し之を
 爲す様にしたいと申出た。余は之を拒絶し其の儘別れた。以上の經
 緯に於て余は海軍が攻撃開始に先立ち、何處かに於て交渉打切の通
 告を爲すことに同意せざるを得ないことを伊藤次長が認めたと感じ
 た。

其の次の連絡會議の芳頭、伊藤次長は華盛頓に於て交渉打切りの通
 告を爲すことに海軍は反對なき旨言明し通告が華府時間十二月七日
 午後十二時半に爲されるべきことを要求した。之に對し反對する者
 はなかつたが、余が右通告は攻撃開始に先立ち充分の時間の余裕あ
 りやを尋ねたる處、伊藤次長は然る旨を答へた「後に「充分な時間」
 の意味に就て説明を加へるであらう。かくして連絡會議にては右
 の通り決定せられた。余は烈しく戦つた後海軍側の要求を喰止める
 ことに成功したと思つた。それは海軍側の要求を國際法の要求する
 究極的の限界に喰止めたのであつた。戦争終結後乃至より正確に云

へば本裁判の開始以來、海軍は米國に對し「奇襲」を加へやうなどと考へたことは全くないと云ふ立場をとつて居る。此の點に關する余の證言は太平洋戦争に至る諸事件の他の若干の諸點に關する證言と共に他の被告の證言と喰違つて居ることは明らかである。其の間の矛盾は固より法廷の判定する所であるが、余は余の生涯を通じ正義と信ずる所に戰つて來た。今其の最後に當り余は能力と記憶の許す限り余の知る全眞實を陳述せんことを決心して居る。又余は余の責任を些かも回避せんとするものに非ると同時に他の人々が其の責任を余に押附けんとしても之に服さうとするものではない。

七六、茲に余は戰闘開始に就ての國際法上の問題に就て余の了解して居た所を述べるのを適當と認める。余は固より國際法學者ではないが勿論外交官として此の問題に就ては若干研究した。一九四一年十二月余は此の問題を以下の如く了解した。既に述べた如く英米に對する戰爭決定に關與した總ての人と同じく余も亦此の戰爭は自衛の戰爭であると思つた。特に日米交渉に於て米國が爲した自衛權の解釋から云へば明らかになり自衛の戰爭であつた。而して余は自衛戰爭に於ては宣戰の通告を要しないと云ふ意見の存することを知つて居た。例へば一九〇七年の海牙會議に於て海牙第三條約を豫討した際、米國代表ポーター將軍は特に米國は大統領に何時如何なる場所に於ても自衛の權利を行使せしむるものなりと述べ、米國は斯る場合同條約の適用なきものと爲すものと認められた。即ち一九一六年墨西哥に遠征軍を派した時は既に宣戰なしに行はれたが之を以て自衛行動なりと説明された如きである。尙又國務長官ケロッグは不戰條約の締結國全体に對する覺書に於て自衛權は條約の規定に優先するものなる旨を明にした。然し實際協定に於て一國際間の實踐に於ては無視されてはゐるが一通告を爲すことが正常の手續であると規定して居るので、通告の手續をとる事が實際には不必要であることが明瞭であるにしても國際道徳遵守の點に於て日本の信用に疑を殘すよりは、斯る手續を踏む方がよいと考へた。

七七、我方が米國に對し爲さんとし又實際に爲した通告は字句に於ては

宣戦ではなかつた。余は交渉打切りの通告を以て充分なりと認め、以下
の理由により當時の事態に於ては國際法に合致せるものと認めた。即ち
十一月二十六日のハル・ノートは疑問の余地なき米國側の最後の通牒であつて、
日本に對し屈辱的降伏か或は戦争かの選擇を求めたものであつた。此の米國の
最後通牒を拒否した日本側の回答は機關行為の通告として充分であり實質上宣戦と認
められたのである。我方の對米通牒を検討し且承認する際、余は之を以て如何なる
點よりするも宣戦と等しきものと認められた。「太平洋の平和を維持確立せんと
する帝國政府の希望は遂に失はれたり」と云ふ字句は明らかに平和の終熄即ち
戦争を意味すると思つた。余は例へば「兩國間の戦争状態が存在す」とか、又岡
提督が提案せりと證言して居る「自由行動を留保す」と云ふが如き字句（余は斯
る提案を見たことも聞いたこともない）を入れても分りきつたことを繰返すのみで、
對米通牒自身が海牙條約の規定する「最後通牒」より強いものであつたから斯る
字句を差挿む余地はなかつたのである。余の記憶する限り宣戦通告の文書の用
語形式に就ては特殊の要件はなく、宣戦の意圖を明示しなへすれば充分である
といふのは國際法學者間一般の見解である。（余の記憶する限り最近の例とし
て一九三九年佛國の對獨宣戦に於て佛國は波蘭に對する義務を遂行すると述ぶ
のみであつたと思ふ。）右の如き技術的問題を別として、日本側に於ては交渉決裂
が戦争になると云ふこと

は疑問の余地のなかつた處であり余は米國側に於ても同じ事であつたと信じて居る。右の如き次第で我方は連絡會議の決定に従ひ對米通牒を交渉打切りの形式としたのであつて宣戰と認められると云ふ點に就ては聊も疑問の余地がなかつた。

七八 對米通牒の原案は其の最終部分を除いては十一月二十六日の米債ノ
 一ト接受の後外務省亞米利加局に於て準備せられた、但し其の内容は運
 給會議の議事に従つたもので、斯る議事に従ひ起草の後陸海軍省關係官
 の意見に従ひ修正せられたが其の詳細は既に證言せられたから茲には繰
 返さない。斯くして通牒草案は出來上り十二月四日の運輸會議に於て配
 布せられ其承認を得、同五日の閣議に於て余より要旨を説明した上其承
 認を得た。

七九 十二月五日午後田邊參謀次長及伊藤軍令部次長が余を來訪した。

兩次長が余の事務室に來室するや伊藤次長より統帥部は軍府に於ける對
 米通告の交時間を経て定められたる十二時三十分より一時に延す要あ
 る旨を述べ、余の同意を求めた。余は通告と攻撃の間の時間的間隔が余
 りに短かきに失することなきやを憂ひ何故右變更の要ありやと質した。
 伊藤次長は今變更が必要になつたのは全く自分が計算違ひをして居たか
 らであると言へた。田邊次長よりは陸軍の作戰は海軍の作戰開始後開始
 するべき旨を述べた。更に余より通告と攻撃の間隔は何の位の時間が必
 要かと質した處伊藤次長はそれは作戰の機密で申上げられないと答へた
 依て余は次長甲出通り午後一時と考へても攻撃開始迄充分の余裕ありや
 と質したるに、次長は、然る旨言明したので右時間の變更に同意した。
 辭去に際し伊藤次長は我方通告が在米大使館に余り早く發電されないこ

とを希望すると述べたので余は通告が指定時間に其到達先に到達なく到達し得る様に發見されなければならぬ旨を答へた。右通告時間の變更は十二月六日の連絡會議に於て伊藤次長より報告せられ誰も反對する者はなく、其儘承認せられた。尙其際永野軍令部總長は我方對米通牒及重要事項であるから、國務長官に直接に手交されるべきであると述べた。余は日曜日の晝頃のことであり國務長官は晝食の約束でもあるかも知れないから、是れを商人に手交せよとは無理であるが、成る可く國務長官に手交する豫訓令することとすることを約し、其の通り訓令した。(法廷第一二一八號)

八〇 茲に余は「充分な時間」に就て言及した。余は博才會議に於て充分豫計の未開戦の事前通告の最少限の時間に就ての決定を入れざることとに決したことを知つて居た。其の結果多くの國際法學者は一分間の事前通告でも充分であると高して居るから、余は幾くとも一時間位の余裕があれば博才會議の要件を充分に充つものであると考へた。然し茲にも述べた通り余は國際法の權威ではないから當時余は此點に就て關係權威者を頼んだのみならず日本に於ける國際法の最高權威であり外務省顧問であつた故立作太郎博士の意見を求めた。又余は在獨事官時代、時の駐獨大使であり、博才會議の事務局に居た故立岡孝一博士とも此の問題を話したことがある。兩博士共自衛戦争の場合には通告の必要なく且通告と攻撃開始

の間、に少しても時間の餘裕があれば差支ないといふ余の見解が正しいといふ意見であつた。尙茲に不戰條約に就て一言するならば同條約交渉の當時余は在米帝國大使館一等書記官として其仕事に参加したので、同條約の歴史及意味を承知して居る。同條約が自衛の場合適用なきことに對するケロツグ長官の説明並に同條約の批准に先立ち各締約國政府が自衛權の確保を行つたと云ふことからして余は日本の米英兩國に對する戰爭の場合にも同條約は適用なきものと認めた。

八、我方の對米最後通告が通達會議及閣議で承認せらるるや余は同通告を指定時刻に手交し得る様早目に電達するやう、外務省關係者に命じ同在米大使に對し後に指定する時間に手交し得る様早め必要準備を爲し置く旨の訓令を發送せしめた。

此の問題並に如何にして通告が通れたかと云ふ點に於ては既に充分證據が提出されて居るから余は茲に左様右様餘が通告の手交に必要な措置は東京に於て充分取られたこと並に其の通達は東京に於ける余乃至如何なる人の故意又は懈怠に依り遅つたものでもないといふことを述ふるに止める。(法廷證第二九六四、二九六七、二九七〇號) 華盛頓に於て通告手交に付何等かの手遣ひがなつたと云ふことは通達後間もなく米側側の電達に依り承認したが、布哇の攻撃が通告手交後定時間後約二十余分にして行はれたと云ふことを承認したのであるよりも先であつた。

右は開戦後三日して伊藤次長より説明がなつたので、余は通告後それ程僅かの時間で攻撃を開始するのであつたならば命令部は勅めから何故宣戰の通告に反對したのか通達に苦しみと言つて責めた點伊藤次長は明答を避けて、余りに念を入れ過ぎたので何う

も申すありませんと云つて参つた。
 請職被選なくして余は、東條首相と會談の際、本國側の代表が我方の對米
 通告が通達し、以て開始の後に手交された旨を報じて居ることを述べた。
 東條首相も余も此の報道を不良としたが余は特に斯る事件の故に與へ
 る宣傳的價値の甚だ大なること並に既に斯く引用されて居る點に於て
 此事件は甚だ不幸なものである點を指摘した。其時東條首相が何うし
 てそんなに遅れたのだらうか、米側に於て記述を遅らせたものではある
 まいかと述べたので余はさう信じないけれども何れにせよ野村大使と
 の間は通信不可能であるから大使及副員の滞朝を待つて取調ぶる迄其
 嶋田は不問であることを述べた。尙當時外務省及外務省電信局長に對
 し大使職員滞朝の上は本件取調を行ふべく指示し又一九四二年八月
 二十日大使職員滞朝の折余は寫れて本件調査を命じた。然し乍ら余は
 其後直ぐ大東亞堂問題に忙殺され九月一日辭職するに至つたので余の
 在任中には本件の報告には及ばなかつた。但し本件調査は實施せられ
 其の結果は既に證言せられて居る（法廷証言二九六四號一級審判は外
 務省條約局に於て印刷された文書（法廷証言二七〇A號一）を提示し
 之を以て我方の對米通告の手交通達に付余が氣が替むる所あり本件を

正當化する爲の法律的意见を得んと爲せる證據なりとして居る。然し
乍ら石文書は余の指示に依つて作られたものではなく余は新るもの
作成を承認しても居らず又實際余は外相在任中之を見たこともないの
みならず余の命令に反して起つたことに對し余が之を正當化する理由
を採すなどといふことは全く必要のないことであつた。尙其の前文を
見れば本文書は全く非公式のものであり、之を書いた人の個人的意見
を述べたものに過ぎないといふことが明らかである。一總評文書二九一
四號一

八二 余が十二月七日のルーズヴェルト大統領の天皇陛下に對するメッセ
 イジの内容を初めて知つたのは十二月八日午前零時半米國大使來訪
 の後である。余は大統領より陛下宛のメッセイジが來つたと云
 ふことは七日の中に聞いたので、其真相に就て調査をさせたが判明
 しなかつた。(法廷證第二九六、二九六三號)同午後十時半頃グ
 ルー大使より重要電信に接し目下解讀中であるから解讀完了次第會
 見し度いとの申入れを爲した後、夜半零時過ぎ余を來訪し大統領よ
 り陛下宛のメッセイジ接到せることを告げ拜謁したき旨を申出た。
 余は拜謁に就ては深夜のことでもあるから宮内省とも打合せの要あ
 る旨を述べた處、同大使はメッセイジの寫しを手交し會見約十五分
 にして辭去した。余は直にメッセイジの翻譯を命ずると共に事の重
 大性に鑑み松平恒雄宮内大臣に電話し、グルー大使來訪米國大統領
 より天皇陛下宛のメッセイジを呈する爲拜謁を願出でて來たが夜
 中のことでもあり如何に取計ふべきであるかと尋ねた處、宮内大臣
 は政治上の問題であるから、内大臣と相談する様にとのことであつ
 た。依て木戸内大臣に電話した處、内大臣は總理と相談する様、尙
 陛下は深夜にても余を御引見あるべしと述べた。午前一時五十分右
 メッセイジの翻譯が出來上つたので余は之を携へて官邸に東條總理

八三

を往訪した。總理は斯る内容のメッセイジは役に立たないと言つた。余は靖邸の上服を改め、午前二時三十分頃、外相官邸を出で、二時四十分官中控室に入り三、四分木戸内大臣と右メッセイジの内容に會話をした。内大臣も大体首肯と同一意見であつた。三時より三時十五分迄拜謁、余より本件を上奏し、陛下の恩召を承つた上御前を退下し午前三時半頃退宅した。

八三 米國大使に對し八日午前六時に來訪を求むる手配方を命じて置いたが、同大使との電話連絡に困難があつたとのことで同大使は午前七時半余を來訪した。余より大統領のメッセイジに對する陛下の恩召しを傳ふると共に大使の參考の爲に對米通牒の寫しを手交した。既に戦争は始まつて居たので大使は大統領のメッセイジを陛下に正當に呈呈することになつた。余のグルー大使接見に先立ち、午前六時大本營より戦争開始及び布哇攻撃に付放送發表されると聞いて居たので、同大使は既に戦争開始の報導を聞いて居たものと思ひ、余は同大使との會談の中に開戦に就ては觸れなかつたが、余は日米交渉に關する同大使の盡力を謝すると共に日米國交が遂に破局に到達したことを遺憾とする旨を述べて別離の挨拶とした。爾來余は同大

伊を欺いたと非難されてゐるが、開戦の事實が世界に公表された後
で余が同大使を欺くべき理由は全く存しないことを指摘すれば充分
であらう。グルー大使に次いでクレイギー英國大使も午前八時余を
來訪した。これも余から來訪を求めたのであるが豫定の時刻よりづ
つと遅れて來た。同大使に對しても余は對米通牒の爲しを手交し交
渉を打切つた旨を述べ同人の在日中、感交關係の改善に努力したこ
とに對し謝意を表して別離の挨拶とした。余は右何れの會見も別離
の會見であると思つた。

八四 大総領の電報がグルー大使へ送られたことに就て

は余は全然之を知らなかつた。本法廷に於て外務公館の電報の受が参謀本部の指示で遞信省に於て廻らされたことが証言されて居る。然し余自身は勿論余の知る限りに於ては外務省にては何人も之に就て参謀本部乃至遞信省より何等相談を受けたことはないし余は電報が廻らされて居ると云ふが如きことは夢想だにしなかつたことである。余は野村大使よりの報告に依り大総領のメッセイジが發送されたと云ふ新聞報を承知し又それより以前(新聞社より新る情報を得たので)野村大使に對し其の真相に「する所」を發し又メッセイジが直接閣下に送られたのではないかと思つて係官から宮内省にも照會した。然し既に述べた如くグルー大使の申人れ迄余は之に就て情報を持つて居なかつた。

八五 尙我方の最後通告が何故に米政府の外務部政府に對しても送られなかつたかと云ふ問題がある。

本交渉切りの通告を華府に於て爲すべしとの連絡會議の決定は固より倫敦に於て官廳を通告することを認めて居ない。日米交渉の終段近くとも余が外務大臣に就任しての後は對英關係は充分に考慮された。日米交渉の全体を觀じ米との間に如何なる協定が出

來たとしても英米兩國（及勿論支那）は之に加するか乃至は
 同時に此等諸國とも協定が出来るかと云ふ前提の下に行はれて居
 たのである。依て余は屢々此點を米國政府及米國大使に確めた
 のみならず英米大使にも之を確かめたが何れの場合にも此等諸
 國の同意は米國政府に依り處理せらるべく米國政府は此等諸國
 の政府に通報するであらうと云ふ答へを得たのであつた更に又
 余は英米兩國政府間に事實上同盟關係の存在することを明にし
 た一九四一年十一月十日のチャーチル首相の演説をも承知して
 居た。此等演説の證據は既に提出されて居る（法廷證第二九
 五六、二九一八、二九三七、二九五八號等）されば交渉に於て
 の如何なる通告も米國政府に對し爲されれば足り米國政府が直
 に之を其與國政府に通報し謂はば米國政府は之等政府の代表と
 して交渉に當つて居たものであつたと云ふことは明らかであつ
 たのである。

八六 倭使は数々の証に依り余が二派を分け一方に於て日米交渉を續け乍ら他方秘かに戦争の計畫に参加して居つたと定して居る。余は既に出来る限り正確に戦争に至る迄の七通問の余の并大任在任中の行動等へ及び意圖に於て述べた。然し沈黙して居ると、諸君に主張されて居る罪を認めるものと誤解される恐れがあるので、余は我國の小さな諸に於ても亦、述べなければならぬ。

其の中の第一は余の名に依つて出された要求に對する答として余死に因された。余は、印度其の他の諸島からの諸島等に於ける諸島の報告である。此等が諸島の下僕に依つて収められた全くの事實に基き得た。余は既に證據が提出されてゐる。(法廷証二九一五)然し此の事實に余は常に、此等の事柄に依りては証明する事柄の及び方が行はれて居たと云ふ。余以外には此の同様に依りては証明する事柄の及び方が行はれて居たと云ふ。居る此等の通信は全然余の手計には提出さるなかつたと云ふ事と證明になつて述べた。又倭使は外務省の下に於てした政策案へ法廷証二九七五第一を提示して外務省又は外務大臣が交渉を款の目的を以て行ふ意思を有したと爲すものの如くである。本件文書は法廷に提出せられた多量の同様の文書の一つであるから余は其の重要の程度に於て一瞥したい。日

本政府の各課局に於ては、下僚等に於ては、以下に於て別に上司の命令
 に依ることなく、時の事務に就ては、各々の所管の事務を代筆するものでなく、
 ることがある。又、ある文書は決して官としての職責を代筆するものでもあり、
 時に依り上司の指示に其される場合、或は全權採用されることもある。又、大
 臣の指示となることもあり、或は却下されることもある。又、大
 臣が認めて、何等の文書に目を通すと云ふことは、あり得ないことである。
 法廷は、二九七五號に見ては、是を認めたことと云つて、決して其の當の大臣が
 同一派に或る省の中に文書が見出されたことと云つて、決して其の當の大臣が
 之を知つて居ると云ふ決定を爲すことの誤謬なることを茲に指摘する。

八、昭和十六年十二月十一日日獨伊間に締結せられた單獨不講和協定（法廷宣

第五一號一）に於いては余は既に述べた。

檢察官は此の協定を殊に重要視して居る筈であるが、國家が戦争に入る事を予期し、又は甚俱ありと認める場合出来る文多くの問題口を獲得せんとする等々に備へる事は最も當然たる事であつて此の事を否定せんとする餘は余には余點が行かないのである。

又此の協定締結の交渉を戦争助發直前の一月間以内に始めた事は、檢察官が指摘せる如く不信任行爲ではなかつた。十一月二十七日の締結會議以後戦争の可能性は非常に大きかつた。そして此の協定は恐らく彼々と世間の有識者を悩まする國々から出来得る限りの援助を得んとする我々の要請の結果でもつた。

日本が期待し得る此の種の援助に關する余自身の見解りは、余が連絡官として述べた如く、極めて低かつた。そして余の見解し得る限りでは、單獨不講和協定のせざる効果は孤立口を閉き我々を紛争収結するに役立つてゐらうと云ふに止つた。然し連絡官等は矢張り其の交渉を行ふ事を望んだ。

余は今衆議院の十一月二十六日附通告を受取る迄、オット大使が日米交渉の進捗に於いて具體的な、又は詳細に情報を傳返し要求したにも拘らずを拒絶し續けた。此より外の途を取ることは交渉を成功せしめんとの余の所望を背馳したであらう。米國の通告に依つて戦争が殆ど不可避となつた時に、十一月三十日初めて余は伯林及び羅馬駐劄の日本大使に同交渉の概略を獨逸兩國政府に尋へ戦争の際に、單獨不講和の協定の交渉を始める事に訓令したのである。其の上オット大使に於いては、例へば十二月五日附の報告に於て（法廷證第六〇八號）日本の戦争行為開始の意圖に關して或外務省幹部の一人が語つたとして全く誤つた情報を傳へて居るが、余は斯る報告が全く馬鹿氣で居る事を指摘せねばならぬ。外務省の責任ある官吏は誰も、特に此の間に於いて知つて居た三人或は四人の中の一人なら猶更。斯の様な問題をオット大使と論じた筈は無い。そして十二月四日になつてから、戦局開始の手續一審議中一と云ふ様な事を同大使に話した様な者は、連絡會議が決定した事柄を知つて居た少數の人々の間には在り得ない。獨逸大使は或局長あたりが自分の知らぬ事に於いて内密に重大な情報を提供し得るか、或は如何に振舞ひたかつて良い加減な事をしやべつたのに引掛つたものであるか、或は大使自身が言して居る如く（法廷證三五〇二號）根柢を違へたに過ぎないのであらう。

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えず爲されて居た。

八、檢察側は日本の委任統治下にいつた南洋群島を委任統治の規定に反して、亦請を施されたと言ふ證據を出して居る。假令亦請が爲されたとしても之に就て外務省は關係がないと言ふことは明らかであらうが或は外務省は本件に關し情報を知介したか故に共同英露の責を問はれてゐるかも知れない。此の問題は條約局の主管であつて。余は條約局には務めたことなく余は本件を扱つたことはない。又詳しく知りもしなかつた。余は條約局の人から且當局に於ては委任統治規定に違反する意思は全くないと云ふ保障を得て居る旨を曉めたし。又此保障を疑ふべき理由もなかつた。何れにせよ外務省は外と接する唯一の政府機関であつて國際聯盟よりの態度並に英海軍よりの同感を仲介したに過ぎないものである。

第五章 戦時外交及大東亞關係

九〇 戦時に於ける外交の範圍は著しく制限せられて居た。勿論米英蘭とは外交關係を存せず、又獨逸とは戦争の問題のみが重要であつた。されば實際上外交問題としては露・印・邦及東亞諸國並に米露國との問題及終戦の爲の準備のみであつたのである。

九一 戦争前數年に亘り外交に對する露國の風潮のあつたことは既に述べたが、戦争は當然露國の傾向を強化した。外交が二次的役割を演ずる様になるのは露國の進展に伴ふ當然の現象ではあつたが、それ以上之を無視せんとする趨勢もあつた。此の傾向は例へば日本が露國に參加するや否やの露國のめつた時露國に認められた。即ち一九四二年七月余が露國に就ての獨逸の希望に對する拒絶方に付露國上し、露下の思召しを露國の干渉なしに正しくを述べた。露國に傳ふる露國に付言上せる際、露下は早急終戦の御希望を洩らされた。其の時初めて余は露下が斯る思召しを露國に二月から露國に傳へになつたことを知つたのであるが、總理も内大臣も余に之を告げる所はなかつた。勿論作戦の問題は外交問題に密接な關係がある場合でも露國とせられて居た。例へば極東はミッドウェイの敗戦は露國に於てさへ洩らさなかつた。

九二 余は、此の閣議並に戦争指導方針に就て開戦後ともなく真意を其の他閣僚と意見を具にするに至つた。當時、政府内外の気分は既戦

の戦果に準じて甚しき樂觀に傾いて居た。

總理其の他は、戦争は十年又は二十年の長期戦になるべしと算し米

國は其の戦力蓄積に長期を要するを以て一九四四年に入る迄は、反

攻に出づる事なかるべしと思つて居た。

斯くて東條總理等は不敗の氣勢を遂ふる事を差支き一九四二年春の

真賞宴會、大東亞建設會議（軍事及外交に付ては除外されて居た）

の戦況等に依り政府の政治力強化を計り、或は企業整備、農制改革

等を實施し政府の威信の増進に精力を盡したものである。

九三

余は政府が定まつたばかりの時に斯る計畫を實行するに早急であ

り、又長期の計畫は斯くの如き非常時に於て着手されるべきでな

ないとの理由を以て斯る政府の方針に反対した。又戦争の見込に就

ては余は大東亞の消滅は五、六年以上早く終らないと考へ、生産

増強と民生生活保障の必要なる所以を主張した。尚又、東亞問題等

に就ても東條總理と意見を具にした。又閣議に對ては余は悉く是

給會談に於て根本方針の再検討を主張した。

斯る意見の確立は終に、東京首

に及びて余は警備することとなつた。此の警備に入るに先立ち、開戦後、余の外務大臣在任中の諸事柄に就て簡単に述べることにする。

九四 蘇聯に就ては、余は従前と同じく、良好なる一極の維持に努めた。中立條約の維持は蘇聯政策の根本であつたが、余は太平洋戦争勃発の當初より其の早期終結を冀望し、其の爲には先づ獨逸國の和平を計るをも有効な手段であると認めた。事實余は既に一九四二年に此の事を企てたのである。(辯護文書第二七四〇號)

九五 余の外相在任中蘇聯國境に於ける別の法亂を見ず一九四二年一月には余とモロトフ外相との間に協定せるノモンハン地方の國境確定に關する協定確定委員會の作務が滿蒙兩政府に確立されるに至つた。(註記二六五九)蘇聯國境が(特に極東の)係上一安全であること認めたので余は蘇聯軍兵に對し日本軍の國境兵力が甚少せられなくても亦蘇聯軍州縣に侵入を企てる事なしとの余の保證を信じて可なりと述べ又、蘇聯軍の増強に依り蘇聯を刺激することなきも蘇聯部族に對する(尙余は一九四一年の「日蘇協定」に就て何等知らなかつた)

九六 太平洋戦争勃發當時日本が交戦國に爲る中立國たる蘇聯國の船舶に對し制限を加へたることにより、日蘇間に紛争が起つた。斯る紛争

に關しては外務省は蘇邦の抗議又は賠償に對し充分の考慮を加ふ
ると共に此等事件の措置に關する日本海軍の同意は蘇邦政府に傳へ
た。尙外務省は、此等事件に關聯せる蘇邦船員及船長の救助及送還
並に沈没せる蘇邦船舶の代償としての船舶引渡し等に付便宜を供與
する爲、百方努力した。猶余の外相在任中、米國よりの軍需品の補
給經由蘇邦に付て遠近より益々苦狀があつたに知らず日本側より
に右送還を妨げるか如き措置をとつた事はない。

九七、戦時の獨伊との關係は外務省に關する限り、非常に限られて居た。歐洲に在る我が同盟諸國より期待し得る協力の程度は、事實余の予言通りになつた。

其は裁判所が既に承知の如く、全く名のみであつた。獨蘇戦に依つて兩國間の鐵道に依る交通は斷たれた。海上輸送は次第に困難を加へ遂に北阿に於る獨乙の敗北後は、事實上、潜水艦に依る少量の軍需品の「シルシ」丈の交換に限らるるに至つた。(法廷證第二七五一號其他)之は軍事に關する事項であつて、従つて余の關係以外に在り、余は當時に於ては、勿論此の如き協力の範圍に關しては何等知らしめらるる處はなかつた。蘇聯に對する日獨各々の態度も亦、兩國間の關係が如何なるものであつたかを良く示す。獨乙が第三次近衛内閣の時以來表明せる希望は日本が對蘇戦に参加する事であつて、一九四二年七月に再び此の要請がなされた。然し此の要請を拒絶し、且日本が二方面の戦争を行ふ事が出来ない事を其の理由とする事が決定され、東京の獨乙大使及び伯林の日本大使を通じて其旨獨乙政府に通告された。(法廷證第三五〇八號、第二七五一號、及び第二七六二號)余は日本が獨伊と協力して世界を制覇せんとするが如き計畫を夢想せる事無く、かゝる計畫に参加したる事は更に無い。

九八、余が滿洲國を含む支那問題を始めて自己の責任に於て處理したのは一九四一年十月余が外相に就任してからであつた。

余は嘗つて遠か以前、一九二九年、滿洲事變前に滿洲觀察旅行をした、その結果を當時の内大臣牧野伯に互恵の精神に於て支那と提携し、眞の友好關係を達成せねばならぬと報告した。其の後滿洲事變及び日支事變の勃發を見たが余は其の何れとも何等の關係は無かつた。今、余は其の後外交官及び内閣の一員として其の時行はれたる侵略の變物を確保せんと努めたと訴追されて居る。余は決してかゝる事をなした事はない。余は兩事變に決して好意を有した事無く、又余が此等の事變に關聯して責任ある地位に在つた際には、余は全力を盡して其の勃發或は擴大の防止に努めた。

九九、兎に角、一九四一年に於ては日支事變を解決せねばならぬ事は以前に増して明瞭であつた。そして余は外務大臣に就任した時、此の目的を達成し得る事を冀つた。

當時、既に過去數年間滿洲を除く支那に關する政治、經濟、文化等各般の事項は與亞院が管掌して居た。與亞院は支那各地に出先機關を有し、支那の地方政權との交渉をも主管して居た。

與亞院の設置は對支關係に新たな大きな面を開いた。

其目的は、支那の問題に關する限り、如何なる外務省に於ても普通の機能である感の外務省の監督を率直に他に移さんとするものであつた。

外務省の他の諸部に対する温和なる態度は軍國主義者にとつては異端であつた。故に軍國主義者等は支那に對する事項を彼等の支配下に在る新機關に委する事を成遂げたのである。

外務省に對つた權限は僅かに南京に於ける外交交渉——最狭義の外交——並に領事關係事務（其の主要なるものは在支居留民の保護であつた）に限られて居た。斯くの如くして外務省と日支關係の運轉は殆ど遮斷せられ外務省は支那問題處理の權限を失つた。成程余は外務大臣の資格に於て與亞院の副總裁の一人であつた。（他の副總裁は陸、海、藏の三大臣であつた）が、與亞院設置の目的が支那に對する外務省の發言を封鎖することにあつたのであるから、副總裁としての外務大臣の地位は問題にならなかつたのである。又既に機密例に於て指摘せる如く（一九四六年六月十三日記録五四三頁）與亞院の事務は殆ど専ら同院議長官の推進する處であつた。

一〇、滿洲に關する事務は久しく對滿事務局が取扱つた。余は對滿事務局には、何等の關係を有せず、從て滿洲問題には何等直接の關係を有しなかつた。滿洲に於ては外務省は新京に大使館、哈爾濱、滿洲里、黑河、牡丹江に領事館を有したのみであつて、此等公館を通じ外務省が處理した所は、滿洲に關する對滿交渉事務のみであつた。駐滿大使は、關東軍司令官が、職務上當然就任することゝなつて居り、從て外務省は固より此を支配することとはなかつた。

一〇一、太平洋戦争開始後、滿洲國及南京政府は直接戦争に参加することなく日本に對する協力態度を執ることゝなつた。當時兩政府とも参戰しなかつた。檢察側は法廷證第一二一四號及一二一九號を理由として日本政府が滿洲國及南京政府の戦争に對する方針を命令支配したと爲して居る。此等の電報は傍受電報として提出されて居り、日本語の翻譯は電報の原文ではない事勿論である。余はかゝる内容の電報を出した覚えはないが、若し外務省より發電せられたとしても、實の日本語に現はれた文字に悪い意味はないのである。蓋し外交電報に於て用語を簡單にする爲に、「外務政府をして何々を爲さしむ」とか「外務政府の執るべき措置」と云ふ如き字句を使用する事は常である。斯に用語は米英露の諸國に關する場合にも使はれて居る。

一〇二、余は支那事變には當初から反對であり、成るべく速に公正なる基礎の上に之を解決せんが爲に努力したことは既に述べた通りである。事變勃發當時の余の反對に就ては證據の通りである（法廷證第三二六〇號）余は當時支那問題を主管しては居なかつたが日本の國際關係上事變の擴大を防止し即時局地解決を計る事が是非必要であると信じた。依て堀内次官、石射猪太郎東亞局長と共に外務大臣に對し對支出兵に反對する豫見を具申した。然し我々の努力も無駄に終り支那事變は長期化した。其の後余は日米交渉に於て支那事變解決の爲に努力した。太平洋戦争開始後も余は支那事變解決を主張した。一九四二年三月、

連絡會議に於ての戦争指導方針が微討せられた際、余は國內に於ては生産増強及食糧確保、且又對外問題に於ては日蘇關係改善及支那事變の早期解決が最も緊急の重要であることを指摘した。此の會議に於て余は對支政策の全面的再檢討を行ふことに付同意を取付けたが、其後參謀本部員の話に依れば軍に於ては本件を檢討せるも種々困難があつて猶結論に至らざる由であつた。斯くして本件は進捗を見なかつたが余は更に本件を督促した。七月半ば太田爲吉元大使が、支那旅行の途次、汪兆銘より日支間の即時停戦及全面和平を勸説せられたる旨を歸朝の上余に報告したので余は之を東條首相に告ぐると共に對支政策檢討促進を要望した。

一〇三、比律賓に就ては、日本は一九四二年一月、獨立許與の趣旨を明かにした（法廷證第一三三八B號）これは米國が比律賓に獨立を約束したことを受給ぐこととなるものであるが、余が此の政策を支持した他の理由は日本が南方に領土的野心を有しないことを明らかにすること共に日本の對比方針が米國のそれと同じである事を知らしむることにより後日米國との和平の障礙を減ずる點にあつた。

一〇四、佛印に關する余の第一次外相就任當時に於ける唯一の事件は、一九四一年十二月九日の軍事協定（法廷證第六五六號）であるが、此は現地軍當局の措置であり外務省も余も何等關係はない。

一〇五、御前會議決定に拘らず日本は蘭印と交戦する意思はなかつた。
然し乍ら蘭印は米英兩國との密接なる關係を理由に日本に宣戦し、記
録二六五四頁、蘭印海軍は直ちに日本の船舶に對し攻撃を加へた。
斯くて日本は蘭印に對し敵對行爲に出でざるを得なかつたのである。

一〇六

余と東洋首相と衝突し全く辭職を見るに至つた最後の原因は大東亞
 地域と日本に關係の問題であつた。此の問題に就ては余と總理の間に根
 本的な見解の不一致があつた。日本は久しく東亞の安定勢力な地位を
 められ居た。近年東亞新秩序乃至大東亞共榮國の思想が唱へられ
 に至つたが、之はブロック經濟乃至生活圈の概念に發するものであ
 った。余の根本政策は斯る考方とは相容れぬものであり、余は主權の
 尊重と經濟上の協力の基礎の上に善隣友好關係を樹立することとを念と
 した。即ち日本は東亞の先進國として東亞諸國並に諸地域の進展を助
 け平和は手段に依り東亞の繁榮を計るにあつた。此の相互援助の思想
 は武力に依る支配の政策とは相容れぬものである。

一〇七

一九四二年一月二十二日、余が議會に於て外交問題に就て爲した演
 説（法廷證第一三三八A）は右の主義を表明したものである。此の
 演説は開戦後間もなく爲されたものである。拘らず誰か讀んでも分
 る如く、日本が東亞のどの部分でも併合したり、擯取したりする意圖
 を抱へては居ない。勿論、東亞の諸國の爲、絶對に必要な地域は日本
 が把握すべき旨を述べて居るが、固より之は戦争中の演説であり主
 として戦時の措置に關するものであつた。

檢察側は演説の本文の代りにオット大使の

一〇八

否曲された説明（法廷證第一二七一號）提出して居るが此の説明はオット大使の見解を述べて居るかもしれないが、勿論余の見解とは同等關係がない。尙余は此の演説に於て、余が大東亞共榮國は排他的のものではなく、進んで亞細亞以外の諸國とも協力する必要を明らかに述べた事を指摘する。

一〇九、本法廷に於て、法廷證第一三三三號一九四一年十二月十四日附南方地域處理要領外務省案なる文章が提出されて居る。若し此の文書が外務省に於て書かれたものであるとすれば、之は、或る課又は或る事務官の研究の私案に過ぎないもので、余は此文書を承認したこともないし、又見たことも聞いたこともない。斯る書類が外務省の政策として決定され又は提案せられた事は、余が連絡會議に於て提議して決定を見た方針と矛盾することからして全くあり得ない事である。日本の南方占領後統帥部は、軍政移行の便宜の爲、此等地域の遠征を決定すべきことを提議した。然し余は、斯る重要問題は、戦争中であつて、凡て事象未定なる時に決定するべきに非ずと主張した。東條首相は余の見解に同意し連絡會議も同様決定したのである。

一〇九、余の大東亞問題に對する態度は大東亞省問題に依て更に明らかになるであらう。此の問題は余と東條内閣との最後の衝突を齎したものの

一
一〇

であるが、最初一九四二年五月、六月頃に起つて来た。當時は、只新しい省の設立が考慮されて居ると云ふ風説があつたのみであるが、時がたつと共に計畫が明瞭になつて来た。此に依れば大東亞地域（朝鮮、臺灣、樺太を除く）の出生機關は總て大東亞省の指揮監督下に置かれる事となり滿洲國、文部、泰、佛印等（關東州及南洋諸島を含む）に關する問題は「純外交」を除き經濟、文化の諸問題總て新しい省主管に移されるものであつた。新省の設立に依り、對滿事務局、興亞院及拓務省は廢止される。此の案の目的とすると、此等諸國を兄弟として取扱ひ且大東亞地域の物産の力を總動員して戰爭遂行に寄與するにあると云ふに在つた。

一〇、新省の設立は、内閣の西長官、特に企画院に依り計畫された。一九四二年の夏迄には、實現の可能程が相當あるところまで進んで来たので余は東條首相に對し現在には不成の懸念を與へることが急務であり機密にいじりに時を費すべきでない旨を説き、傳へらるる新省設立は、外務省より日本外交の重要部分を剝奪し、日本の外交で元々素手のみならず、東亞諸國の自尊心を傷け、延いては日本と此等諸國の友好協力關係の維持を不可能ならしめるに至るべしとの理由を以て此に反對した。總理は、問題を慎重考慮すべき旨を約した。

一一一

八月二十九日星野書記官長は東條首相の命に依り余を來訪し前記の趣旨に基ける大東亞省設置の案を手交し總理は九月一日の閣議に提案する意嚮なる旨を附言した。余は此を一瞥し、外務省に送るべき「純外交」の意味に付て質問したが、書記官長は「純外交」とは實際及經緯締結の形式の手續等なりと説明した。余は同案の不當なるを指摘し同案検討の爲め提出を五日に延す要求した。書記官長は一旦辭去せる後再び來訪して東條首相は是非とも一日の閣議に於て決定したき案へなる旨を傳へて來た。八月三十一日或る宴會の後余は東條に對し本件に對する反對を繰返し、一日の閣議提出を延期する要求したが總理は此を拒否した。初て本件は九月一日の閣議にかけられた。本閣議に於ては午前中三時間同に亘り討論を續行したが余は主として次の四つの理由より余の反對を陳らした。

一一二

第一は提案に依れば日本の外交は其の對象が大東亞地域なるか否かに依り其の主管省を異にする事である。斯る案を以てしては日本は一元的且一貫せる外交を遂行する事不可能となり外務省も將又大東亞省も必要なる活動を爲し得ぬこととなる

第二點は大東亞の範圍は他の諸外と異なる取扱を受くることとなるが

故に、日本に對し不信と疑念を起き、其謗を傷けらるるであらう。此の種の取扱は他國の如きを尊重なる精神に反することとなる。第三點は興亞院の事務處理は支那人の反感を招き失敗に歸して居ると認むべきであるが提案の實現は興亞院より支那に於て爲せる所を大東亞地域全般に及ぼすことになり日本の爲めに不利益を見るであらう。第四點は國家の急務は其志願政策に全力を傾中すべきである行政機構の改革に手を着ける可き時ではない。

一一四

一一三 余の主張に對し東條首相は大東亞諸國は日本の身内として他の諸外國と取扱を異にするを要すと論じた。鈴木企堂院總裁は與亞院は失敗に非ずと反駁したが、余は與亞院の失敗は衆知の事實なりと述べた。他に二、三發言した關係もあつたが誰も余を支持するものになかつた。閣議は前議未了のまゝ休憩に入つた。休憩中東條總理より單獨辭職を求められたが余は此を拒絶し總理並に提案の支持者こそ再考すべきなりと述べた。余は戦争指導一般の見地よりも亦、東條内閣を退陣せしめる事を必要なりと認めた。から此除同内閣の總辭職に轉くことが必要と考へた。

一一五 其後間もなく賀屋藏相は余を來訪し再考を促した。次で佐藤、兩軍務局長が來訪した。彼等は大東亞省の設置は陸海軍共に支持する所であると述べ余の再考を求めた。余は凡て此を拒絶した。最後に島田海軍大臣が余を來訪し官中に於ては、内閣の更迭を欲して居られないから何等か妥協の道を請じたといと述べた。余は意見交換の後一つの妥協案を示した。島田海相は一旦辭去したが疑て東條總理は妥協案に不賛成なる旨を傳へて來た。余は單獨辭職の意思を示した事はなく余の目的貫徹に努力して來たのであるが島田海相と會談の結果此上事態を紛糾し宸襟を惱し奉つるべき非すと思考し辭表を提出する事に決し同九月一日職を去つた。余の辭職により東條總理は外務大臣を兼攝し大東亞省設置案は九月一日の閣議で決定した。政府は十月一日を以て新省を發足せし

めんとしたが、余の辭職は輿論を喚起し樞密院は十月九日初めて
 審議を開始した。樞密院に於ては法廷證第六八七號の示す如く本
 案に付て少からず議論があり本案の撤回すら問題となつたが東條
 總理其の他の答れる所とならなかつた。十月二十四日樞密院召集
 委員曾は多數決を以て本案を採擇した。〔石射顧問官は棄權した〕
 又で樞密院本會議に於ても猶議論があつたが多數決を以て可決し
 た石射、南兩顧問官は反對であつた。かくして十一月一日大東亞
 省は發足した。

一六 後に聞く處に依れば「純外交」の範圍に付て政府は閣議決定を以
 て此を決することとし大東亞省の根據に付ては規定を置かざるこ
 となし此の點も樞密院に於て説明された。但し大東亞省設置の際
 の閣議了解に於て定められた「純外交」は九月一日の閣議案に於
 けるよりも擴張せられて居り此は外務省の反對並に樞密院に於け
 る批判の結果であつた。

一七 九月一日の閣議に於ては文官諸大臣も大東亞省案を支持した。
 後に知つた處に依れば此等の閣僚は必ずしも余の主張に反對では
 なかつたが當時、内閣の更迭は此を避く可きなりとの意圖であつ
 たと云ふことである。先日も述べた如く余は東條内閣は宿戰の戰
 果に酔ひ戰爭の將來に付て眞剣に考慮することなく内閣の一部に
 於ては對外問題の處理に付て外交の必要なしとなし一般に施策が
 上消りして居るとの結論に達して居た。余は大東亞省問題を以て

かかる傾向のあらはれなりと認め此の機曾に内閣を更迭すべきな
りと信じたのである。然し乍ら此の理由竝に既に述べた他の理由
に依り大東亞省に強く反對したにも拘はらず獨力を以てしては大
勢を動し得なかつた。然し乍ら「ミッドウエー」の海戦は之を指
くとするも「ガタルカナル」の戦局は悪化し敗戦の兆は既に現は
れて余の見解の誤りに非ざるやか漸次防らかになつて來た。

一八、既に述べた如く余は外相辭職と共に引退し一九四五年四月九日再び外相に就任する迄何等公職に就かなかつた。鈴木内閣に於て余は大東亞大臣を兼任はしたが、余は大東亞問題に付ては比較は關係が少なかつた。即余は一つには終戦の問題に忙殺されて居り又一つには東亞諸國の問題は余の就任迄に殆んど陸海軍省に移つて居たのである。余が先に大東亞省の設立に反對しながら后には大東亞大臣の地位に就いた理由は、余は機會があれば大東亞省を廢止せんとする積りであつたし又余が大東亞大臣の地位を兼ねることにより、何もしない事により大東亞省を消滅せしめる事が出来たし又事實をうしたのである。余は大東亞大臣としては何もしなかつた。

一九、余が東亞諸國に對する態度に於て一貫して變らなかつた事は一九四五年四月廿三日の東京に於ける大東亞大使會議の決定（辯護詞文書第二九三一號）を見れば明らかである。此の決定は余の提議に基き出席各國の同意を以て世界秩序建設の指導原理として採擇されたものであるが其の原則は、政治的平等の確立及人種的差別の撤廢、二國家の獨立尊重並に内政不干渉、植民地的民族の開放、經濟の互惠平等、文化の交流、六侵略の防止、七地方的及世界的安全保障機構を並用し以て國際秩序を確立することである。此の案は、桑港に於て聯合國が后に採擇した所と本質的に異なることはないと敢て信ずるものである。

一二〇、一九四五年四月余が再び外務大臣に就任せる時は大東亞省として
 も東亞諸國に關する仕事は殆んどなかつた。大東亞省の主管事項には右
 領地域に關するものもあつたがその内容は行政事項ではなく占領地に派
 遣する官吏の訓練等、實際行政を行つた陸海軍を助ける仕事に過ぎなかつ
 た。細司及比律賓（余の引退中獨立を宣言した）に於ては、軍司令官が
 軍事問題のみならず内政の指導も戦争遂行と不可分であるとの理由で此
 を指導して居た。されば此時の廳に駐在する大使は大東亞大臣の指揮の
 下に外交事務を行つたが其の權限内のことでも軍司令官が區處權を持て
 居た。此は佛印に派遣の大使に就ても同じ事である。佛印に於ける事態
 は多少異つたが大使は軍司令官の意志に反しては何事も出来なかつた。
 之に加ふるに戦局の悪化に伴ひ大抵の國に於てはもはや其の機能有す
 る大使も存せざる迄に立ち至つたのである。例へば細司に於ては、一部
 占領地を奪還され大使は蘭貢より奧地に引揚げ東京との通信は殆んど切
 れ細司の情報も取る事は出来なくなつた。比律賓に於ても占領地は奪還
 され外交的機能を行ふの余地はなくなつた。英領馬來の處分に關する「案」
 として機密側が提出した論文書（法廷證一三三三A、一三三四一三六號）
 は一部地域の日本への併合をも含んで居るが余はいづれの外務大臣在任
 期間中に於ても斯るものを承認した事もなく見たこともなかつた。
 一二一、余の第二次外相就任に先立ち一九四五年三月に於ける佛印の新事

態（法廷證第六六一—六六四號）に付ては余は何等關係する處はない。
 此の新事態により留は完全に軍の管轄下に移され三月大使館は閉鎖せ
 られ其の翌月大使も引揚げた。此の時以後大東亞省は印との關係を失
 つたのである。既に述べた大東亞大使會談に於て泰大使の主唱により其
 の少し前に宣言せられた安南、カンボヂヤ、ルアンブラバンの獨立運動
 を支持すべき旨が議決されたが東亞諸民族は其の獨立を一樣に希望した
 し其は日本の政策とも合致したのである。蘭印の事態に關する同會議の
 決議に付ても同様である。一九四五年七月の最高戦争指導會議に於て余
 はインドネシヤの獨立を支援し以て日本が同地方に領土的野心を持たな
 いことを明らかにする必要ある旨主張したのである。

一二三 戦争中の問題として最後に俘虜問題がある。外務省は此の問題に

付ては一九四二年一月米英兩政府より瑞西政府を通じ日本は俘虜の取扱に關する一九二九年の壽府條約を相互的基礎の上に適用することと同意するや否やに付、通牒を接受した時初めて關係したのである。日本は同條約の締約國ではなかつたが、人道的見地より合理的に可能な限り此を適用すべきであると考へ又そうするであらうと思つた。然し此の問題は外務省の決定すべき問題ではなかつた。法廷は既に日本に於ける俘虜問題の責任に付て十分説明を聞かれて居るが、余はこゝに本件に關する外務省の責任が著しく局限せられたものであることを明らかにする一點を追加したい。俘虜問題事務處理に關する責任は俘虜管理局及俘虜情報局に屬した。前者は陸軍省の一局であり同局の事務に付ては外務省は何等責任けない。後者は抗議や照會に對する情報を供與する責任を有する局であり戰時中特に勅令を以て設置されたものである。勅令を以て措置を執る場合には、關係主務大臣の副署を要するのであるが、辯護文書第二九二四號、太平洋戦争のみならず前世界大戰の際俘虜情報局を設置した勅令に副署したのは陸海軍兩大臣であり外務大臣ではない。一辯護文書二九二四及二九三四、本問題に關し責任ある者は陸軍省である。

一二三 本件に關する米英兩政府よりの照會は事務上の手續に従つて、外

締省の主管局たる條約局より本件に關し決定をなす權限ある省として取次がれた。

此に對し外務省の受領した回答（法廷證第一九五八號）は日本は尋府條約を「準用」すると云ふ事であり石は兩政府に取續がれた（法廷證第一四六九號及第一四九六號）

檢察側は右回答により日本は同條約を批准したと同じ程度に此に拘束されるものと爲すものゝ如くであるが、余は日本は本條約を事情の許す限り適用する義務を負ふものであると解した。余は今猶斯く解するものである。余は「準用」とは、重大なる支障をを限り條約を適用する意欲であると解した。（法廷證第三〇三九號）更に余は「此は余自身の考へであるが」條約の要件が國內法に抵触する場合に條約が優先するものであると解したが此は余の誤りであつた。然し陸海軍省共此の解に付て余の見解と異なる解を述べた事なく又本方針に關する陸軍省の回答も何等か、る解を述ぶる處はなかつた。何れにせよ、余が日露戦争及前大戦の際日本が俘虜の人道的取扱を爲したと云ふ事實を知つて居たので、必ずや今回も此を裏切る事はないと思つた事は幾分不注意であつたのかもしれない。此の考は後に御合意よりの抗議に接した時過去に於ける日本の立派な歴史の故に抗議に對する信用の度を低めた事となり何等か不當なことが行はれた時は之を是正する

爲の位置がとられるものと信じて直接又は下僚を通じ陸軍省に行くことゝなつたかも知れない。

一 余は外務省が停戦に關する抗議を受けし及此に回答したのは、問
越の責任機關としてではなく取次機關としてゝあつた事を強調し
やい。抗議に對する回答は外務省で作製されるものでなく、停
情報局が作製したものであつて外務省は外務省政府よりの通信を接
受し及此に對して発信する唯一の機關であつたのである。

一 余の第一次外相時代停戦問題は殆んどなかつた。香港停戦一九
四二年春「イーデン」外相が香港占領當時に於ける日本軍の虐
行爲に付演説をしたと云ふ情報があつた。當時、余は東條陸軍大
臣に對し停戦の取扱は特に慎重を要し過去に於ける日本軍の名聲
を傷つけるべきでないことを話した。
東條大臣は余の説に賛成し十分注意すべき旨を語つた其の后間も
なく「イーデン」外相が香港に於ける暴行の改善を演説する
旨を聞き余は満足した。

一 余の第一次外相時代のより大きな問題は在露民交換の問題であつ
た。余は慣例による外交官の交換のみならず英米國連の被抑留者
も交換させるべきであると考えた。然し此は船隻其の他の問題も
あり航路部は容易に承認せず其の實現迄は既に懸念された如く、
一法廷證第一九一四號相當の困難があつた。然し此の交換に依り日本
本土のみならず支那滿洲僑印泰等より多くの被抑留人を歸國せしむる事が出来たのである。

一二七余の第二次外相時代一九〇五年春頃より夏にかけて比律賓細旬其の他南方地方に於ける前線に於ける日本軍の戦況は著しく悪化した。余の前任當時既に俘虜の問題が多量に累積して居たが聯合軍が南方地方に進攻し此等地方に於ける日本軍の俘虜取扱に關する抗議が提出され始めた。當時日本は激烈な空襲を受けて居たので敵國の利益代表である中立國公使は逐井澤に當地し居り通信は甚だ困難であつた。此の國に拘はらず余が訓令の下に外務省は此等の抗議や照會を權限ある官廳に傳達し之より受領した同答を傳へるに道隔をかつたのである。公文の往復の外我々は逐次私信を送り又逐井澤に送り事態に對應して是等限りの努力をしたのである。余の知る限り外務省が聯合國より受領した抗議及照會を主官廳に傳達し之より受領した同答を聯合國に送ると云ふ其の任務を懈怠したことはないのである。

外務省は俘虜問題に關し何等の權限を有せざるに拘はらず屢次主務官廳に對し俘虜に對し公正且寛大な取扱を爲す爲最善の努力をなす様要求したのである。一九四五年六月三日瑞西公使がパラワン島プエルトプリンセサに於ける米人俘虜虐殺事件に關する米國政府の抗議（法廷證第二二〇七號）を手交した際余は阿南陸軍大臣に本問題に付注意を喚起し更に俘虜の一般的取扱に付公正寛大にすべき旨を申入れ其の同意を得たのである。此等の勢力にも拘はらず事態は甚しく惡化し之が爲聯合國の満足する様な回答をすることは不可能となつたのである。右事情に付軍當局の説明する所に依れば日本軍敗退の結果、中央の軍當局から俘虜問題に付現地軍へ電信連絡しようとしてもそれが頗る困難で屢々不可能となり又連絡がついても現地軍が混亂して居つて調査が至難であつたのである。外務省は本問題については權限も又調査の手段もなかつたので一方から受けた通信を他方へ傳達する以外どうすることも出来なかつたのである。

一九四五年七月中旬聯合國の飛行士に對し行はれた處刑の如きに付ては外務省は何等情報を受領しなかつたことを附言する。

一二八 外務省は俘虜に付ては單に連絡の義務を有するに過ぎなかつたが、俘虜の取扱改善の爲には余の指示の下に絶えず努力を試み又或る程度成功した場合もあつた。特に日本々土に於ては俘虜の狀態は比較的良好であつた。

我々としては軍の管轄下の事項に介入する事はもとより不可能であり軍當局に對し人道的にする様要望する以外に道はなかつたが、此は繰返し実行されたのである。勿論、外務省としては、其の自身の利益の爲にも外國に數十万の同胞が在る點よりして斯る立場を執る可き地位に在つた外務省は此等同胞の待遇の改善に付て責任を有したのであるから、此時二つの問題の間に斷絶の在つた事は自明である。

一二の軍（少數の場合には海軍）が從軍からの照會に對してなした同答の眞實に付ては外務省は眞實はなかつた。余自身は外務大臣として外務省が經常事務として取扱つた照會及同答に付ては自ら扱つた點ではない。然し現実に事務を扱つた人は誰であるにせよ外務省員としては軍當局より受領した同答を悉くより外なかつたのである。外務省は攻撃所を觀察する權限も便宜もなく、同答の眞實に付て、是があつたとしても此を確める方法もなく、又眞實の眞實がないのであるから是を等つと云ふ事もなかつた。

第六章 鈴木内閣及終戦

一三〇、余の鈴木内閣入閣の目的は、終戦の一事のみに在つたと云へやう。此の時期の問題に入る前に其の背景として戦争終結に對する余の其れ以前の勢力に就て若干説明する。

一三一、戦争を成可く速に終結せしめんとする余の勢力は、戦争に對する反對を開戦後に持越した事に外ならぬのであり、其意味に於て一九四一年十二月八日に始まつてゐる。開戦當時の余の氣持は既に十分説明した通り、米英の戦闘精神と生産力を征服し得ると云ふ日本人の大部分が持つて居た考に殆ど信用を置かず、日本の立場からは戦争を惨禍の禍に終はらしめない爲に成可く早く終結せしめる事が必要であり又長期戦になれば眞の勝利者と云ふものはなく彼我双方とも困憊し、全世界亦貧窮と幻滅に陥らざるを得ないと考へた。一九四二年の一月元且に外務省員に對し訓辭をする機會に於て此の點に觸れ戦争と外交の關係を説いた。即世上外交蔑視の風潮があるが、之は短見者流の見方であり外交は戦争の進展に伴ひ益々重要性を加へるのであるから現在より終戦の爲有らゆる研究と準備を怠し機會を逸することなき様説示した。同じ元日武藤軍務局長が來訪し早期和平の希望を述べたのに對しても大体前記と同趣旨で答へた。

一三二、全世界の平和招來は容易ならざる難事であつたが、余は獨蘇兩

國間の和平より之を契機として世界平和に導く氣運を作る可能性が幾分あると考へた。よつて一九四二年二月在京蘇聯大使スメタニンに對し日蘇關係は夕立の中の一瞬の光明の如きものであり余は此の光を擴張して世界全般の平和を齎すことを希望する旨を説き日蘇中立關係は此點よりするも維持されねばならぬと述べた。又クイビシエフに在つた駐蘇佐藤大使に對し前記の措置に出で得る機會が到來した場合之を進する事なき様、夙に其の素地を作り置くべく訓令した。然し余の辭職により之は其の儘となつた。

一三三、一九四二年九月より四五年四月迄余は引退して居たが、戰爭終結の必要に關する余の意見は種々の方面に説いた。例へば一九四四年十一月梅津參謀總長に會ふ機會があつたが、其際余は、獨蘇和平より蘇聯邦を通じ戰爭を終結に導く要する旨を説いた。(梅津總長は之に贊成し、今迄政府は何事も爲し得なかつたが猶自分は其の目的の爲に努力する旨を述べた。)

一三四、一九四五年四月八日余は輕井澤に於て大命を拜せる鈴木海軍大將より會見を申込まれた。同夜上京の上鈴木入將に會つた處外相就任を求められた。余は速に戰爭を終結せしむることを念願として居たから、其の爲には總理が戰爭終結の希望のみならず戰局に對する判斷並に見透しに於て余と同一の見解を有することが必要であると思つたか

ら、余は諸君の表明に先立ち今後の戦局の見透に關する同大將の意見を承知したと述べた。處が早期終戦に對する同大將の眞摯なる氣持はよく分つたが、戦局の見透に於て同大將の見透は自分の見透と異つて居た。依つて余は戦争の見透に於て總理との間に意見一致せざれば到底外交の大任を引受くることは出来ぬと考へ、其の旨を同大將に告げ其の再考を求むる旨を述べて辭去した。然るに間もなく余は各方面より鈴木内閣に入閣し同大將を啓發する様要望に接した。即岡田海軍大將、外務省の先輩たる松平、雄、廣田弘毅兩氏、松平廉昌内大臣秘書官長、迫水久常内閣書記官長等は余の入閣を賛同した。其後重ねて鈴木總理と會談し余の見解を繰返したる處其同意を得たので余は入閣を承諾した。

一三五、外相に就任せる余の關心事は豫ての希望たる平和恢復の實現であつた。就任後間もなく余は前駐分公使昌谷忠氏の來訪を受け同氏より余の前任者たる重光氏と駐日瑞典公使バツゲ氏との間に瑞典政府の發意に於て米國の平和條件を探り之を我方に傳達すると云ふ趣旨の打合があつた旨を聞いた。

昌谷氏は本家に對する余の意見を求めたので、余は斯る話を聞くのは初めてであるが、余は固より戦争の早期終結を望むものであるからバツゲ公使及瑞典政府の計らひは余は之を多とするものであると述べ其

旨同公使に傳ふる様昌谷氏に告げた。然し其の後本件は何等發展を見る事なく、其の間蘇聯の和平仲介を求むる努力が始められた。

一三六、既に述べた如く余は一九四二年既に日蘇間の友好關係を契機として世界平和を招来せんと試みた。然し其時から事態が著しく變つて居た。余の外相就任の直前四月五日蘇聯政府は中立條約の廢棄を通告して來た。

同條約の規定に依れば猶一年間は有效であるが右廢棄通告書載の理由に照し蘇聯邦の意圖は頗る警戒を要するものがあつた。余の外相就任直後より軍部其他の方面より蘇聯との提携に付屬々余の努力を求めて來たが、余は斯の如きは既に手廻れであると認めたから、斯る申出に對しては蘇聯は英米との間に對日戰果の分知を約して居る可能性をも覺悟するを要すると警告するのを常とした。余は平和恢復の機を捕ふべく世界狀態の發展を注意深く觀て居たのである。

一三七、四月の末獨逸の敗北は動すべからざるものとなり五月初めデニッツ政權は無條件降伏した。余は獨逸の降伏は終戰の機會を與ふるものなりと考へた。そして獨逸敗北の原因に付き空爆が其の最大の直接原因であつた事を言上した際、日本に對する空爆も益々激化したる際急速終戰の要ある旨を言上した。余は同趣旨を總理にも告げ總理に對し最高戰爭指導會議の構成員のみの會議を召集する事を求めた。余

の此の要求は從來の幹事を交へての正式會議は兎角話が固くなり強硬論に傾く惧れがあると共に青年將校に漏洩する危険もあつたので、斯る會議を要望したのである。余の提言は容れられ構成員の會議は五月の半ば三回に亘り開催せられた（本會合に就ては梅津參謀總長の盡力もあつた。一五月十四日の會議に於ては熟議の結果戰局並に海外の狀態に鑑み速かに終戦に至らしめる必要ある事に付意見一致した。又具體的措置に付ては重慶政權乃至瑞西瑞典等の中立國を通ずる方法も考慮されたが斯る手投は米國の無條件降伏の要求に終ることが明らかであり従て唯一の手投は戰局の現状より或は既に手廻れなるやも知れざるも兎も角蘇聯の仲介を求むる事以外になしとの點に付意見の一致を見た。

一三八、方針が右に如く決定したので余は廣田氏に對し駐日蘇聯大使マリクと懇談し蘇聯の意圖を探ぐる様要請した。廣田氏とマリク大使は六月中箱根強羅に於て數次會見した。此等會談は廣田氏の報告に依れば友好關係増進に寄與する所あるべき趣であつた。此間六月六日突如最高戰爭指導會議が開かれた。同八日御前會議が開かれた。此の機會に於て余は國際狀態は我方に極めて不利であり、戰時の外交は戰局の推移に根本的影響を受けるから近き將來我國は甚だしき困難に遭遇すべしとの所見を明らかにした。戰局は益々惡化して來た。

一三九、余は四月以來戦争の急速終結の必要に就ての余の意見を度々木戸内大臣に説明したことがあつたが、六月十五日内大臣より陛下に於かれては戦争の早期終結を希望せられ内大臣としては此際代償の高きを厭はず蘇聯の仲介に依り時期を失せざる間に名譽ある平和を得る必要ありと思考する旨を述べた。六月十八日、最高戦争指導會議の副成員の會合が催され熱議の結果戦局に鑑み戦争終結の爲、適當なる措置を促進することに付き意見の一致をみた。依て余は廣田氏に對し事態を説明の上蘇聯大使との會談を促進する様要請した。

翌日余は拜謁の上蘇聯邦に對する措置を説明し廣田氏の使命に付説明申上げた。陛下よりは戦争終結には多大の困難あるべきも成可く速に終結する様取進ぶことを希望すとの御沙汰があつたので余は紛骨碎身努力致すべしと申上げた。六月二十二日最高戦争指導會議構成員の御召あり速かなる戦争終結に付一同の努力を以むとの御沙汰があつた。

丁度此の頃米、英、支並に蘇聯邦の首腦がボツダムにて會同すべき趣を知つたので、余は斯る會議に先立ち蘇聯邦政府に早期終戦に關する陛下の思召を傳へ度いと思ひ、佐藤大使に對し陛下の思召を蘇聯邦政府に傳ふべく訓令した（法廷證第二六九六號）。又特使派遣に關する我方の意圖をも莫斯科に傳へた。然し乍ら蘇聯邦側の反響は思はしくなかつた。

一四〇、七月二十六日トルーマン大統領、チャーチル首相、及蔣主席の名を

以てボツダム宣言が發表された。翌日の最高戦争指導會議構成員の會議に於て余は同宣言は有條件降和であり此を拒否する時は極めて重大なる結果を惹起する旨を指摘した。斯くて同會議に於ては蘇聯邦の我方仲介申入れに對する出方を今少しく見る事に意見一致した。同日午後の閣議に於て余は同じ説明を繰返し結局閣議に於ても同宣言に對しては何等意氣表示を爲さぬ事とし又新聞發表に就ては大段妥に取扱はしめざる様指導することに決した。然し乍ら不幸にも新聞は總理の聲明に於て政府は同宣言を「認殺」するに決したと報道したので、米國其他に於て之を以て宣言の拒否なりと爲し、トルーマン大統領は原子爆彈使用の釋明に利用し蘇聯政府は對日參戰の理由に利用したのである。

一四一、

八月六日原子爆彈は廣島を破壊し米國は日本がボツダム宣言を拒否し續くる限り日本の全滅を見る迄之を投下するであらうと警告した。余は佐藤大使に對しモロトフ外相との會見を督促し、益くとも事態を明白にする要ある旨を指示した。然るに同大使の申入れは容易に蘇聯邦政府の容るる所とならずモロトフ外相は八月五日歸莫せるに拘らず八日に至り漸く同日午后五時會見の旨申越したのであつた。一法廷證第二七〇五號）右を報告せる電報受信後同大使よりは何等の

通信に接せず、九日早朝外務省ラヂオ室よりモロトフ外相が佐藤大使に對し對日宣戰を通告したる旨莫斯科より放送ありたる趣急報に接した。他方滿洲國よりは前夜半戰闘開始の旨報告が來た。

次いで十日午前十一時十五分余はマリク蘇聯大使の求めに應じ之を引見し茲に於て初めて蘇聯政府の對日宣戰通告を受領した。余は蘇聯邦が中立條約が猶有效であり、且我方よりの和平仲介の依頼に對する何等の回答もなくして突如開戰せる事實を指摘したる後ボツダム宣言に關する我方の回答を蘇聯政府に傳達する様申入れた。

斯の如く事態は極めて重大となつたので九日午前十一時最高戦争指導會議權成員の會合が開かれた。右會合に於ては原子爆彈の使用及蘇聯參戰の今日何人も戦争繼續の困難なるを認めボツダム宣言の受諾に原則的に反對するものはなかつた。然し受諾の條件に就ては意見が分れた。即團體護持を條件とする事に就ては全員意見一致したが右の他閣統帥部及陸軍大臣より一保障占領に付本土の占領は成可く此を差控へ止むなき場合は東京等を除き小規模とすること、二武装解除は日本側に於て自主的に行ふこと、及三戦争犯罪人の處分は日本側に於て行ふことの三點を固執して議は蘊らなかつた。午後の閣議に於ても多くの閣僚はボツダム宣言受諾の條件は團體護持に限るべきなりとの余の主張に大体に於て賛成したが論議は纏らなかつた。

た。斯くて決定は最高戦争指導會議及樞密院議長列席の御前會議に持越された。此の御前會議に於て余は余の先の趣旨を繰返し國體護持を唯一の條件としてポツダム宣言を受諾すべきなりと説いたが、尙他の條件を固執する意見もあり、結語に至らず御聖断を仰ぐに至つた。處陛下よりは余の見解を御採用あること並に人類の苦難を経験し國家の破滅を救ふ爲ポツダム宣言を受諾すべき旨御沙汰があつた。斯く決定を見たので我方の回答は閣議に於て午前三時承認せられ、余は在瑞西公使をして瑞西政府を通じ米文閣政府に、在瑞典公使をして瑞典政府を通じ英蘇兩政府に對し之を通告せしめた（法廷證第三號）

三四 國政府の我方に對する回答が傳へられてから又問題が起つた。本件回答は余は外務省ラデオ室よりの報告に依り知つたのであるが、字句に付若干疑問の點があつたので余は回答文の検討を外務省の關係官に命じた。處、慎重検討の結果は本件回答はポツダム宣言は國體變更の要求を包含せずとの我方の了解と大體に於て矛盾せず、此際和平の勢力を挫折せしむる決心なるに非れば此の上條件を提出することなくポツダム宣言を受諾すべきなりとの結語なる旨報告して來た。本件回答は閣議及最高戦争指導會議で検討された。余は此等の會議に於て余の見解を披瀝し、此の上甲入れを爲すこと

なくポツダム宣言を受諾すべき旨を強く主張したが、陸軍大臣其の他より先方の回答は不満足で受諾し難く更に交渉を試みるべきなりとて強い反対があつた。斯くて十四日午前再び御前會議が開かれたが意見の一致を見ず、陛下より重ねてポツダム宣言を受諾し日本の國体及在在を保持し人類の艱苦を和くべき旨御沙汰があつた。午後一時閣議が開かれ次いでポツダム宣言受諾の詔勅が發布せられた。右受諾は十五日朝瑞西政府を通じて合國に傳へられた。

一四四、終戦に關する重大決定は茲に爲されたので鈴木總理は十五日閣議を召集し御聖断を煩はしたるは恐懼に耐へず且此際新なる人が政局を擔當すること適當なりと考ふる旨を以て總辭職を申出た。全員之に賛成し、辭表を提出した。翌日東久通官より新内閣に外相として留任する様御言葉があつたが、鈴木大將辭職の理由は余にも適用ありとの理由を以て辭退申上げた。

一四五、以上證言した通り、余は全經歷を通じ諸外國との友好的平和的關係の維持に努力し、又太平洋戦争回避の爲には最後迄米英支其の他の諸國との關係改善に努力したが最後に余は戦争に反對し得ずと認められた立場に迫込まれ、余の努力は失敗した。然し乍ら開戦の日より余は一日も早く戦争を終結に導く爲深く意を用ひ、一九四五年四月外務大臣に就任して以後は、身命を賭し、有らゆる反對に抵抗し、一九四五年八月十四日ボツダム宣言受諾に依り終に戦争を終結に導く迄、全力を擧げて積極的に努力した。一九四一年に戦争を阻止し得なかつたことは余の生涯に於ける大なる痛痕事であつたが、一九四五年之を終結に導き人類の苦惱を軽減することに寄與し得たことは以て聊か慰めと爲す次第である。

昭和二十二年（一九四七年）十二月十二日於東京

供述者 東 郷 茂 德

右（當立會人ノ面前ニテ宣誓シ且ツ署名捺印シタルコトヲ證明シマス

同日於同所

立會人 西 春 彦

Def. Doc. 2927

宣

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良心ニ從ヒ眞實ヲ述ベ何事ヲモ默秘セズ又何事ヲモ附加セザルコトヲ誓フ

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